

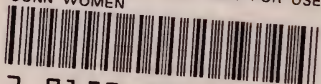


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**A**  
**HANDBOOK OF THE LAW**  
**FOR THE USE OF**  
**CONNECTICUT WOMEN**



A HANDBOOK OF THE LAW  
FOR THE USE OF  
CONNECTICUT WOMEN

*by*

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EDWIN VALENTINE MITCHELL

*HARTFORD, CONNECTICUT*

1928

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PRINTED AND BOUND IN THE UNITED STATES OF AMERICA  
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TO THE  
WOMEN OF CONNECTICUT  
THIS LITTLE BOOK  
IS RESPECTFULLY  
DEDICATED.





## PREFACE

In view of the fact that women, now as never before, are interested and engaged in divers pursuits, altruistic, personal, or otherwise, it would seem advisable that they become acquainted with their position and status in these affairs.

The object of this book is not to give legal advice, but to lay before the women of Connecticut, in plain and simple language, their rights, duties and obligations, to the end that when occasion arises, they may speak and act with a knowledge of the fundamental principles of the law with respect to those matters in which they may be interested, and not fall into palpable error.

Of course, this work is not intended as a substitute for the advice of a competent attorney; on the contrary, we most earnestly desire to impress upon the reader that the time to employ a lawyer is when a question of importance *first* presents itself, bearing in mind the old adage that an ounce of prevention is worth a pound of cure.

Subjects upon which a lawyer should be consulted, such as deeds, mortgages, trusts, appeals, taxes, etc., have no place here, and if touched upon at all it is only in the most superficial manner. Matters relating to foreign wills, or as to such parts of the estate as may be situated outside of the State of Connecticut, are not discussed in this work.

## PREFACE

Many of the principles laid down herein and much of the advice tendered will be more or less within the knowledge of the woman of affairs. But it is to be remembered that these very women are the ones who are in a position to give advice to those who are not as well equipped in these respects as themselves. And particularly, is this true of those who are members of societies for improving the social conditions and promoting the welfare of others. So it is with a view to rendering possible assistance to all concerned, that much of the matter relating to what may seem to be simple and well known rules and suggestions has been set forth somewhat at length, and it is offered here with the hope that it may prove of assistance in its character merely as a guide, for which purpose alone it should be used.

It should be borne in mind that while what is herein contained relates primarily to the State of Connecticut, yet this book may serve as a guide to women in other States, subject, of course, to such modifications as may exist in the laws of any particular State.

Hartford, Conn.  
1928.

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**A**  
**HANDBOOK OF THE LAW**  
**FOR THE USE OF**  
**CONNECTICUT WOMEN**





# HANDBOOK OF LAW FOR WOMEN

## CHAPTER I

### SUFFRAGE FOR WOMEN

#### THE RIGHT TO VOTE AS ORIGINALLY LIMITED

Prior to the adoption of the 19th amendment to the Constitution of the United States, the right of women to the suffrage was very limited in Connecticut.

The statutes of that state provided that:

“Every woman who shall have attained the age of twenty-one years, who shall be a citizen of this State or of the United States, and who shall have resided in the state one year and in the town six months, and can read the English Language, shall, after having been duly admitted, have the right to vote for any officer of schools and directors of public libraries and upon any question relating to education, or to schools, or to public libraries.”

This was as far as their right of suffrage extended at that time.

#### ACTION BY CONGRESS

But on June 4, 1919 Congress passed the following, as a proposed Nineteenth Amendment to the Constitution of the United States.

## SUFFRAGE FOR WOMEN

PROPOSED NINETEENTH AMENDMENT TO THE  
CONSTITUTION

"1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

## HOW AMENDMENTS ARE TO BE MADE

It is provided, however, that before an amendment can be made to the Constitution, it must be adopted by three-quarters of the States in number.

## ADOPTION OF AMENDMENT BY THE STATES

The proposed amendment was submitted to the several States, and was duly adopted by three-quarters in number of the same.

## PROCLAMATION OF ADOPTION

Thereupon, on August 26, 1920, the amendment having been adopted by three-quarters of the States was proclaimed by the United States Secretary of State to be in effect from that date.

## AMENDMENT OF CONNECTICUT STATUTES

It then became necessary for the State of Connecticut to amend its Statutes on voting, so as to conform to the Nineteenth Amendment:

## CONNECTICUT STATUTE EXTENDING SUFFRAGE TO WOMEN

Accordingly, on September 23, 1920, at a Special Session, the Legislature of this State enacted the following law:

"All electoral privileges extended to males by author-

ity of the provisions of the general statutes are extended to females. The provisions of the statute relating to the forfeiture of such privileges applicable to males shall be applicable to females. The provisions of said statutes and of this act relating to the admission of electors and to their participation in primaries, caucuses, conventions and elections and to the casting and counting of ballots, having reference to males shall be construed to include females. Proof of citizenship shall be required of all women, and admission to the privileges hereby conferred shall be otherwise upon the same conditions as are imposed upon males. All applications of women to have their names placed upon the list 'to be made' prior to the date of the passage of this act shall be construed to have been made for the electoral privileges conferred by the provisions hereof."

#### RIGHT OF WOMEN TO VOTE

Therefore, a woman in Connecticut who has attained the age of twenty-one years, now may vote in the same manner, and with the same force and effect as an adult man, subject to the conditions and restrictions mentioned in the last paragraph.

#### EMANCIPATION OF WOMEN

Thus women have been emancipated by virtue of the adoption of the Nineteenth Amendment to the Constitution, and have obtained the right to vote on an equality with men. The adoption of this amendment marked an epoch in the lives of the women of Connecticut, and gave them a standing and position which had never been accorded to them in the past.

## WOMEN SHOULD EXERCISE THE RIGHT TO VOTE

Now that this power has been conferred upon women, it is most earnestly suggested that they avail themselves of this privilege, and not fall into the apathy with which so many men unfortunately treat the right to vote.

## CHAPTER II

### COURTS OF PROBATE

As a majority of the subjects treated in these pages comes under the jurisdiction of a Probate Court, it would seem not to be out of place to set forth briefly the powers which appertain to that court in connection with such subjects.

#### PROBATE DISTRICTS

Each County in the State is divided into Probate Districts. In every district a Probate Court is established by law, and presided over by a Judge of Probate duly elected. Each judge appoints a clerk for his court and assistant clerks as may be necessary. All matters brought in a court of probate are entered in suitable books provided for that purpose and kept in fireproof safes or buildings. Such books are open to public use within reasonable limits. Copies may be made of such entries. Each court has an official seal.

#### WHERE COURTS OF PROBATE MAY BE HELD

A Court of Probate may be held in any town in the district.

#### PROCEEDINGS TO BE BROUGHT IN THE DISTRICT

All proceedings or matters within the jurisdiction of a Probate court must be brought in the district where the controversy or matter arises. In a case where a will is to be proved, or probated, as it is called, or matters

incident to the estate of a deceased person are to be determined, the proceedings must be brought in the district where the deceased had his or her domicile. By jurisdiction is meant the power to hear and determine a case by a legal tribunal.

#### POWERS OF A PROBATE COURT

A Court of Probate has only such powers as are conferred upon it by statute; among them are the following: The settlement of estates of deceased persons, with general supervision of the same. The admission of wills to probate, approval of executors, and appointment of administrators where necessary. Issuing orders for bonds, and determining the amount thereof. Settling amount of allowance for widow and family. Appointment of guardians, trustees and conservators with power of removal under certain conditions. Approval of agreements to adopt children and others. Appointment of guardian over the estates of minor children, appointment of appraisers and committees. Issuing orders for sales or mortgages of property in certain instances. Inquiring into the condition of persons alleged to be insane, and ordering their restraint or confinement if necessary. Commitment of juvenile delinquents, the feeble-minded or imbeciles, or of the homeless, to the various institutions provided for such purposes. The exercise of general jurisdiction over the estates of insolvent debtors, within certain restrictions.

#### RECORDS

Complete records of all matters which come under the jurisdiction of a Probate Court are kept, properly

indexed, and the same are open to inspection by the public within reasonable conditions.

#### PARTIES OTHER THAN LAWYERS MAY INSTITUTE AND CONDUCT PROCEEDINGS

It is not necessary that one desiring to institute proceedings in a Court of Probate should be an attorney at law. So in many cases a woman can herself transact much, and not infrequently all, of the business in the Probate Court incident to the settlement of an estate.

#### NO STRICT FORMS OF PLEADING

The proceedings while conducted with due formalities, are not characterized by the technicalities and restrictions which necessarily surround those in an ordinary court of law. There are no strict forms of pleadings, and the proceedings are carried on very largely by applications and petitions, which should be in writing in nearly every instance.

#### JUDGES OF PROBATE MAY ACT IN AN ADVISORY CAPACITY

While Judges of Probate do not generally volunteer assistance of their own motion, yet they frequently do act in an advisory capacity, and do so when it seems to them that it would be beneficial to the estate, or proper in any proceeding.

#### NOTICE TO PARTIES ESSENTIAL

Due and proper notice to all parties interested, is, in nearly every instance, a prerequisite to the issuance of an order, or the hearing on any matter. It is an established rule of law that every person to be affected or liable to be affected by any order or hearing had



in a Probate Court is entitled to due and proper notice. The time and form of the notice are either prescribed by the statutes or determined by the Court.

#### SPECIAL NOTICE

The law provides that anyone interested in any matter before, or pending in a Court of Probate, may in person or by an attorney file with the court a written request for special notice to be given to him or his attorney of any order made by the Court with reference to such matter. The court will then give such notice to the party or attorney five days before the hearing on the matter is to be had, for a period of thirty days after such request is made.

#### THE MANNER OF GIVING NOTICE

If public notice is required it is given by publication in a newspaper published in the district. In other instances notice is given by mail or by actual service, and sometimes by posting it in some conspicuous place. The order for notice will state the manner in which it is to be given.

#### PRINTED FORMS

In many cases printed blank forms for orders, notices, petitions, applications and the like may be obtained at the office of the Judge of Clerk of Probate.

#### RIGHT OF APPEAL

Generally speaking, it may be said that every act of a Probate Court may be made a subject of appeal to the Superior Court. In such a contingency a competent lawyer should be consulted.



## PROBATE FEES

The fees in Probate Courts are defined and settled by the statutes of the State, but it is enacted that where the gross amount of the estate of the deceased does not exceed One Thousand Dollars, the total fees for all proceedings in its settlement shall not exceed the sum of Ten Dollars.

A Judge of Probate is not permitted to take any fee for his own services in connection with his office. Such services are intended to be included in the fees allowed by the statute as to fees in the Probate Court.

## CHAPTER III

### ADULTS

#### WHEN A PERSON IS AN ADULT

An adult male signifies a person who has attained the full age of twenty-one years.

Each State, however, has fixed by legislation the age at which a female becomes an adult, and that age varies in the different States.

#### WHEN A WOMAN BECOMES AN ADULT

Inasmuch as this treatise is to deal chiefly with the rights and duties of adult women, and for the reason that such rights and duties differ very materially from those of a minor female, the first important thing is to know when a woman becomes an adult. For when we undertake to define the duties and obligations that devolve upon women, and the rights and privileges which they enjoy, we shall find that there are few which apply to women as a class. Take property personal and real, marital, electoral, or almost any kindred right, and the primary question is: Is the subject of the inquiry, in the eyes of the law, an infant or an adult? In most of the States the law is that a woman becomes an adult when she attains the age of twenty-one, though in some States the time is fixed at eighteen years of age. The general rule is that a woman becomes an adult when she is married, but this does not obtain in Connecticut, for here a woman, married or single, does not

become of age until she is twenty-one, and her guardianship does not cease until that time. In fact, her husband, so long as she is a minor, may not receive or use any of her property in excess of One Hundred Dollars until he is appointed her guardian.

The rule has long been settled to the effect that she would become an adult the day preceding that on which she attains her majority, which in Connecticut would be her twenty-first birthday. For instance, the twenty-first birthday of a girl born January 10, 1900 would be January 10, 1921. Under this rule of law, however, she would become an adult on the first instant of January 9, 1921, and on that day would be endowed with all the rights, would be subjected to all the duties, assume all the obligations, and be clothed with all the powers of an adult woman.

## CHAPTER IV

### MINORS

#### MINORS OR INFANTS

In Connecticut, as we have seen, a woman whether married or single is not an adult, but is a minor until she reaches the age of twenty-one. She is, in the eyes of the law, an infant until she attains that age. In many respects her legal competency is curtailed, and in some instances it is denied.

#### DISABILITIES OF A MINOR

As long as a female is a minor she is supposed to be under guardianship. When under the age of seven she is actually incapable of contracting, and that is probably true up to the age of fourteen. After reaching the age of fourteen she is deemed to have discretion, is capable of contracting, may marry at sixteen, and may dispose of her personal property, but not her real estate, at eighteen. As long as she is a minor she cannot appoint an agent or give a power of attorney. She cannot make a contract binding upon her person or property, except as stated heretofore. She may, however, after reaching the age of eighteen dispose of any or all of her estate by will, to take effect after death.

#### INHERITANCE OR ACQUISITION OF PROPERTY BY MINORS

A minor may acquire and own property, both real and personal from any one, but it will remain in the cus-

tody of the guardian, who may sell the personal, but not the real property, without an order of court.

#### CONTRACTS OF A MINOR

As a general rule, she is not liable for any debts she may contract, except for the necessities of life, such as food, raiment, lodging and the like. Any contract she may make, generally speaking, may be rescinded or avoided by her; but, on the other hand, upon her becoming of age, it may be ratified by her express promise to pay.

#### POWERS OF MINORS

At the same time a female minor over the age of fourteen is by no means devoid of contracting power. In fact, her incapacity, so far as it exists, is not due so much to her inability to contract, as to her want of power to bind herself by contract. She may prosecute an appeal by her next friend, even after the refusal of her guardian to do so. Or, in like manner, she may sue, despite her guardian. Her endorsement or assignment of an instrument may pass property, though she may incur no liability thereunder for want of capacity to contract. She may also become a beneficiary under the Workmen's Compensation Act. If she make a deposit in a Savings Bank, her receipt will be good as against her.

#### WAGES OF MINORS

Wages for personal services rendered by her to the amount of \$15 are exempt from foreign attachment or execution, unless it be a debt for her personal board or lodging.

#### A MINOR MAY CHOOSE HIS OR HER OWN GUARDIAN

A minor child, if fourteen years of age or over and his or her parents are dead or incompetent may choose his or her own guardian, and if the one selected is a proper person, the Court of Probate must appoint such guardian.

#### TESTIMONY OF A MINOR

The testimony of a minor may be received in a Court if she has sufficient capacity to understand the nature of an oath, and even the testimony of a child six years of age has been held admissible.

#### SUPPORT OF MINOR CHILDREN

The duty of supporting a minor child rests primarily upon the father. If the parents are divorced and the mother is granted the custody of the children, the liability of the father remains. See also Chapter VII, Guardianship of Children.

#### EDUCATION OF MINOR CHILDREN

It is the duty of the parents, or of a surviving parent to provide for the support, maintenance and education of their minor children. Any parent or guardian who fails to exercise reasonable control to prevent a child from becoming a delinquent, is liable to a fine or imprisonment.

#### SCHOOL FOR BLIND CHILDREN

The Board of Education may compel the attendance of a blind child at an institution for the blind until he or she reaches the age of sixteen, with or without the consent of the parents.

## SERVICES AND EARNINGS OF MINORS

A father, and after his death, the mother, or a guardian is entitled to the services and earnings of a minor daughter. A widowed mother caring for her minor children who are living with her, is entitled to their earnings.

## PARENT OF MARRIED MINOR DAUGHTER

Upon the marriage of a minor daughter her services and earnings no longer belong to or can be claimed by the parents.

## CHAPTER V

### MARRIAGE

#### DEFINITION OF MARRIAGE

Marriage is the ceremony by which the relationship of husband and wife is established. Consent of the parties is the essence of a marriage, and so far there is a contract existing between them. But, after marriage the relation is fixed by the law, and it can be dissolved only by death, or by the judgment of a competent court.

#### RESTRICTIONS AS TO MARRIAGE

The law imposes certain restrictions, within which parties cannot be legally married among which are age, relationship, and incompetency of certain classes.

#### WHEN AND HOW A MINOR FEMALE MAY BE MARRIED

A minor female not under the age of sixteen, may be legally married, but only after a parent or guardian having control of such minor gives his written consent to the registrar of births, marriages and death in the town where the marriage is to be celebrated. If the minor has no parent or guardian who is a resident of the United States, the consent of the Judge of Probate of the town where she last resided for a period of six months is sufficient. Under special circumstances and within certain restrictions, a woman under the age of sixteen may be married.



## MARRIAGE OF AN ADULT WOMAN

An adult woman of sound mind may marry any adult man of sound mind of any race or color, untrammelled or controlled by any one, except where such marriage is positively restrained by the statutes of this State.

## WHAT KINDRED MAY NOT MARRY

No woman may marry her father, grandfather, son, grandson, brother, uncle, nephew, stepfather, or stepson. A marriage within these degrees is void.

A woman may marry a brother of her deceased husband.

## MARRIAGE LICENSE ABSOLUTELY IMPERATIVE

No marriage can be legally contracted until both of the parties have joined in an application for a marriage license to the Registrar of Vital Statistics, or other officer performing similar duties, in the town where the marriage is to be celebrated. It is not necessary that the parties should appear together to make application, but both must have signed and sworn to it before the certificate can be issued.

## APPLICATION FOR LICENSE

Each of the parties applying for the license must state under oath his or her name, color, occupation, birthplace, residence, and condition, whether single, widowed, divorced, or under a guardian or conservator.

## GIVING INCORRECT ANSWERS

Any one wilfully giving incorrect answers to any of the above questions may be prosecuted and punished.

## MARRIAGE CERTIFICATE TO RESIDENTS

If either of the applicants, both being adults, be a resident of such town, the registrar must then wait five days before he can issue a certificate that the parties have complied with the foregoing provisions. But, if either of the applicants be under guardianship or under a conservator, the written consent of such guardian or conservator must be filed with the registrar, without which he is not authorized to issue a certificate.

## MARRIAGE CERTIFICATE TO NON-RESIDENTS

In a case where neither of such applicants is a resident of the town where the marriage is to take place, no certificate may issue until the fifth day following the application, unless the Judge of Probate for the district in which the ceremony is to be celebrated gives a written opinion that public policy or the condition of one of the parties requires that the marriage be celebrated without delay.

## OPINION AS TO IMMEDIATE MARRIAGE TO BE FILED

In such a case the registrar must file the opinion as a public document, and may then issue a certificate immediately.

## BY WHOM MARRIAGE MAY BE CELEBRATED

## AND WHERE

Upon the license being issued, the parties may be married only in the town where the license issued, and only by a Judge, Justice of the Peace, or by an ordained or licensed clergyman actively engaged in the work of the ministry.

## MARRIAGE CERTIFICATE TO BE FILED

Every person who shall join any persons in marriage must certify upon the license certificate the fact, time and place of such marriage, and return it to the registrar of the town where it was issued, before or during the first week of the month next succeeding such marriage.

## MARRIAGE CERTIFICATE IS A LICENSE

A marriage certificate duly issued acts as a license for any person authorized to celebrate marriage, to join in marriage within the town named only, the parties therein named.

## EITHER PARTY UNDER SIXTEEN YEARS OF AGE

No marriage certificate may issue where either of the parties is under sixteen years of age, unless the Judge of Probate of the town or city where the marriage is to be performed shall endorse on the license his written consent thereto. A parent or guardian must also give written consent.

## NO WRITTEN CONSENT, NO PROPERTY RIGHTS

No person married without such written consent as is above specified may acquire any rights by marriage in the property of the other who was at the time under a guardian or conservator.

## MARRIAGE IN ANOTHER STATE

Where the parties have been legally married while residing in another State, their marriage holds valid after they become residents of Connecticut, even though the requirements for marriage may be essentially dif-

ferent in that other state. So, also, residents of Connecticut may ordinarily go to another State temporarily and solely for the purpose of marriage; and if a marriage is there validly celebrated under the laws of that state, it will be recognized as valid in Connecticut. All marriages which were celebrated by a Notary Public prior to June 28, 1907, have now been made valid by the legislature, but after that date such a marriage would not be valid.

#### CERTAIN MARRIAGES FORBIDDEN

No man or woman, either of whom is epileptic, imbecile, or feeble-minded, may intermarry, or live together as man and wife, when the woman is under the age of forty-five.

Such a marriage, however, though in violation of law, is not void, but the parties are subject to imprisonment.

#### CHILDREN BORN BEFORE MARRIAGE

Children born before marriage, when the parents shall afterward marry, are deemed legitimate.

#### COMMON LAW MARRIAGES

Common law marriages, that is, where parties by mutual agreement live together as husband and wife, are not recognized in Connecticut.

## CHAPTER VI

### SUPPORT

#### DEFINITION OF THE TERM SUPPORT

The term "support," as generally used, means the supplying of articles necessary for the sustenance and maintenance of a person. When applied to a family it includes the support of parents and children residing with them.

#### WHEN AN UNMARRIED WOMAN MAY DEMAND SUPPORT

An unmarried adult woman has no right to demand support from any person, so long as she is capable of supporting herself. If, however, she should become poor and unable to support herself, she may, by legal process, compel her father, mother, grandfather, grandmother, or any one or more of them, to furnish such support or to contribute towards it. If these relatives are not able so to do, the town will support the woman as a pauper.

#### THE RIGHT OF A MARRIED WOMAN TO SUPPORT

In the case of a woman living in wedlock this right is essentially different, and her position in that respect would depend upon whether she was married before or on or after April 20, 1877.

#### A WOMAN MARRIED PRIOR TO APRIL 20, 1877

In such a case the husband is bound to provide for his wife what, under all the circumstances of the particu-

lar family, would be reasonable shelter, food, clothing and medical attendance. Accordingly, her contracts with merchants, etc., for the usual household necessities, bind the husband and not her. Where she has customarily ordered such necessities in his name, his desertion will not alter the case, and he alone will be primarily liable on such contracts, but she may be held liable under certain conditions.

#### A WOMAN MARRIED ON OR AFTER APRIL 20, 1877

##### PURCHASES MADE BY WIFE

Here the rule of law to be applied is different. All purchases made by her in her own name are presumed, in the absence of notice to the contrary, to be on her own account and liability.

##### HOUSEHOLD NECESSARIES

Contracts for the purchase of the usual household necessities, though made by her and in her name, will be binding upon her husband and herself.

##### PURCHASES OUTSIDE OF HOUSEHOLD NECESSARIES

Purchases made by her outside of the family necessities which do not go to the use or benefit of the family, but to her own personal use and benefit, will be on her own account, and her husband will not be held liable therefor.

##### WHERE BOTH HUSBAND AND WIFE ARE LIABLE

In the following cases both husband and wife may be held liable:

For reasonable and necessary medical treatment for husband, wife or a minor child or children living at home.

For rental of any tenement or premises occupied by them as a residence and reasonably necessary for that purpose.

For any article purchased by either which actually went to (a) the support of the family, (b) the joint benefit of both, (c) the reasonable apparel of the wife, (d) the reasonable support of the wife while abandoned by the husband.

#### INABILITY OF HUSBAND TO PAY

The law holds the wife married on or after April 20, 1877, liable for support furnished her where the husband is dead, out of the reach of the law, or is unable to pay.

#### PROPERTY OF HUSBAND FIRST TO BE TAKEN

Where husband and wife are both liable, the property of the husband must first be taken to satisfy the liability; and, if his property be insufficient, then the deficiency must be made up by the wife. If it is discovered that he had property after the wife was compelled to pay, she may, by legal process, have indemnity from such property for the amount she was compelled to pay.

#### WIFE POOR AND UNABLE TO SUPPORT HERSELF

A wife has no right of support from any person except her husband, until she becomes poor and unable to support herself. Then she may, by legal process, obtain such support from husband, father and mother, grandfather or grandmother, children or grandchildren. If none of these persons are able to furnish or



contribute to such support, the wife will be supported by the town as a pauper.

#### SUPPORT OF A WIDOW

A widow, may in the same way, and under the same conditions, obtain support from any of the above named persons who may be alive. If no such persons be living, or if living are unable to contribute to her support, and her husband died without children, his estate is liable for her support during widowhood; and every person to whom any of such estate shall be given or descend will, to an amount equal to the estate so received, be liable for that support. If the amount of this contribution be insufficient for the support of the widow or wife, the state or town will furnish the deficiency.

#### SUPPORT OF FAMILY. JOINT BENEFIT OF HUSBAND AND WIFE

As has been already stated, a husband and wife married on or after April 20, 1877, are jointly liable for such purchases as went to the support of the family, that is to say, the usual household supplies necessary for the sustenance and support of the family. But this is not the limit to their joint liability. Where purchases are made for the joint benefit of the husband and wife they are jointly liable. The term "joint benefit" has a far more extended meaning than the word "support." It covers not only necessary and reasonable things, but includes whatever things promote personal happiness, profit or advantage which may have been enjoyed by the family in connection with their use. So, money due for labor furnished, for the feed of horses or for gaso-



line, etc., for an automobile belonging to and used by the husband and wife jointly, as well as household supplies for the family, are matters for which the husband and wife are both liable. In fact, there is no limitation to their joint liability with respect to articles purchased for their joint use, in which the family may or may not share, and the word "family" includes the parents and children living at home.

#### LIABILITY OF HUSBAND, WHEN WIFE IS ABROAD

A husband is liable for articles purchased and used by his wife when abroad while he stays at home.

#### RIGHT OF SUPPORT, WIFE AND CHILDREN

By force of marriage a wife acquires a right to the support by the husband of herself and unmarried children, so long as they are members of the family, and reside with their parents.

#### FAILURE TO SUPPORT WIFE AND CHILDREN

Any person who shall unlawfully neglect or refuse to support his wife or children, unless owing to physical incapacity or other good cause, he is unable to do so, may be convicted of a felony.

#### WIDOWS HAVING DEPENDENT CHILDREN

Widows having dependent children under sixteen years of age, who are unable to furnish suitable support for them, may be granted financial aid upon the approval of a state agent, by payments in cash, or the furnishing them the necessaries for the family, and medical care, also for the funeral expenses of the widow or dependent child under sixteen years of age, if they have resided in the district for not less than four years next

preceding the application, provided they do not own real or personal property of over \$500 in value other than household goods or an equity of more than \$2,000 in the real estate on which they reside.

BEFORE AND AFTER APRIL 20, 1877

The status of a woman married before April 20, 1877, is so essentially different from that of one married thereafter, that it has been deemed advisable in this and other instances, to set forth the law as of both dates, though after a lapse of over fifty years but few instances under the old law will be encountered.

PRESENT LAW AS TO PROPERTY RIGHTS

The present laws of Connecticut with reference to the property rights of women are generally in accord with the trend of those on this subject in other States.

## CHAPTER VII

### ADOPTION

#### ADOPTION OF CHILDREN

Statutes of adoption are of two classes, restrictive and broad. The Connecticut Statute of Adoption belongs to the broad class, and by the act of adoption the child adopted becomes in name and in law the child of the adopting parents.

The parents of any child under the age of fourteen years, or the parents or guardian of any minor child more than fourteen years of age with his or her written consent, may by written agreement give in adoption such minor child to any person, under the following conditions :

#### APPROVAL OF ADOPTION BY PROBATE COURT

Such person must exhibit this written agreement to the Court of Probate where either the natural parent or guardian, or the adopting parent resides, for its approval, and the court will then order public notice of a hearing to be had thereon.

#### AGREEMENT TO ADOPT TO BE APPROVED AND RECORDED

If upon the hearing the court approves the agreement, it will make an order to that effect, and the agreement together with the order will be recorded and indexed in the office of the Probate Court, under the name of the adopted child before such adoption, and the names of the adopting parent or parents. When this is done

such child becomes the legal child of the person or persons so adopting it, and they become the legal parent or parents of such child, with all the rights and duties of a legitimate parent resting upon them, and the child subservient to them as its parents.

#### INHERITANCE OF ADOPTED CHILD

Such child may inherit estate from its adopting parents or their relatives, but may not inherit estate from its natural parents or their relatives. Should such child die intestate, the adopting parents and relatives will inherit its estate, in the same way as if they had been its natural parents.

#### HUSBAND AND WIFE MUST JOIN IN ADOPTION

No one having a husband or wife living and competent to join, may adopt any child unless such husband or wife join in the adoption, and then such child shall be deemed to be the child of both.

#### ADOPTION OF CHILDREN IN ORPHAN ASYLUMS, ETC.

Selectmen having charge of a foundling child, the superintendent of the Soldiers' Orphan Home, or the board of management of any orphan asylum chartered by the State, or of any temporary home for neglected, dependent children, may with the written consent of the parents, if any, and of such minor child if more than fourteen years of age, by a written agreement, give such minor child in adoption, with the approval of the Probate Court as above.

#### SUBSEQUENT ADOPTION BY HUSBAND OR WIFE

When one of the parents of a minor child has died, and the surviving parent has remarried, or where a single

person shall have adopted a minor child and thereafter marries, the person with whom such marriage or remarriage is made may adopt such minor child before it becomes of age, by filing a written declaration of such intention with the Probate Court, signed by both parties to the marriage, provided the Probate Court shall approve the adoption.

#### RIGHT OF INHERITANCE OF ADOPTED CHILD

Such adopted child in addition to its right of inheritance from any other person, may inherit from such adopted parents and their relatives living at the time of such adoption, but not from such adopting parents' relative deceased at the time of such adoption.

#### ADOPTION OF ADULTS

In like manner a woman of full age may by written agreement adopt an adult younger than herself, and the same rules and provisions heretofore set forth as to approval by a court of probate, inheritance and non-inheritance will apply in such a case.

#### CHILD ADOPTED AFTER DEATH OF TESTATOR

Where a testator in his will devises property to a devisee and issue surviving, a child adopted by the devisee after the death of the testator takes nothing under the will.

#### SUBSEQUENT JOINDER IN ADOPTION

Where a married person prior to June 1, 1886 had adopted a child and the husband or wife did not originally join therein, but afterward became an adopted parent with the approval of the Probate Court, the

written declaration of intention to adopt such child will establish the relationship of parent and child, and the latter may inherit as provided in the foregoing paragraphs.

## CHAPTER VIII

### GUARDIANSHIP

#### DEFINITION OF GUARDIANS

Generally, guardians are of three kinds, viz.: guardians of the person, guardians of the estate, and guardians ad litem who are appointed temporarily for the purpose of suit or legal proceeding. There are also testamentary guardians who are appointed by the testator in his will and usually given control of both the person and the estate of the minor.

A guardian by election is one chosen by a minor, who in Connecticut must be not less than fourteen years of age, when in certain cases the minor is permitted to choose a guardian.

Unless stated to the contrary, a guardian is presumed to be a guardian of the person.

#### WHO ARE THE NATURAL GUARDIANS

The father and mother of every minor child are its joint natural guardians having equal rights and duties. Upon the death of the father, the mother becomes the sole natural guardian. Both are primarily bound to give the child reasonable care, custody and education, according to the circumstances of the family; and this duty falls upon the mother after the death of the father, but only as to the control and custody of the child, and not of its estate.



## WHERE PARENTS ARE UNFIT TO ACT AS GUARDIANS

If the parents or widowed mother are found to be unfit, after a hearing thereon, the probate court may appoint a suitable guardian to have the custody of the child.

## WHERE CHILD HAS NO GUARDIAN OR PARENT LIVING

When any child under the age of fourteen has no parent or guardian of its person, the probate court may appoint a suitable guardian. If the child be over the age of fourteen, it may choose some person to be its guardian, subject to the approval of the court, but if it neglect or refuse to make such choice, the court may appoint such person as it may deem proper.

## PROPERTY BELONGING TO CHILD

The right of the parent as a natural guardian is limited to the custody and control of the person of the child, and no parent may receive or use any property belonging to the child in excess of One Hundred Dollars until appointed guardian by the probate court.

## EDUCATION OF A MINOR

The guardian of the person of a child between the ages of seven and sixteen must cause his ward to receive proper education in a public school or in some school or academy where the minor will receive proper education.

## MAINTENANCE OF A MINOR

A guardian of the estate must maintain his ward according to its condition in life, and may use the property of the minor for its support and education.



## GUARDIAN OF ESTATE OF A MINOR

Where a minor is entitled to an estate, the Court of Probate will give notice of a hearing to the parents, if any, at which hearing the minor, if over fourteen years of age, may be present, and if the Court finds that there is no guardian of the estate of the minor, it may appoint one of the parents or the guardian of the person of the minor, as guardian of the estate. If they will not, or cannot act, then the Court may appoint any proper person chosen by the minor, if of the age of fourteen years or over, but if no choice is so made, then the Probate Court will appoint some suitable person who shall have charge of the estate, but not of the person of the minor.

## MARRIAGE OF MINOR

Should such minor marry owning or thereafter acquiring property, guardianship will continue during such minority.

## PROPERTY OF CHILD WHEN NOT DERIVED FROM PARENTS

Where the child has property which did not come through the parents, the Probate Court will ordinarily appoint as guardian of the estate, the father, or if the father be dead, the mother, if such parent is competent and willing. Otherwise, the child if over fourteen, may choose some competent person as guardian.

## SUPERVISION OF PROBATE COURT

Such appointed guardian has the custody and control of the minor's property, but not of the person, subject to the supervision of the Probate Court.

## BOND TO BE GIVEN BY GUARDIAN

A guardian of the estate will be required to give a bond with one or more sureties in an amount satisfactory to the Probate Court.

## GUARDIAN'S ACCOUNT

A guardian of the estate must render an annual accounting to the Probate Court unless the estate be less than \$500. Such account must show the investment of the principal and the items of income and expenditure.

## INVENTORY TO BE MADE BY GUARDIAN

A guardian of the estate must return to the Probate Court, within two months of his appointment, an inventory, under oath, of all the property belonging to his ward.

## LIABILITY OF GUARDIAN

A guardian of the estate is liable on the bond for loss caused by neglect of duty. A guardian investing the money or property of the ward in any hazardous or speculative scheme becomes personally liable, and an action may be instituted for recovery.

## COMMISSION OR REBATE

A guardian may not accept and apply to his or her own use commission or rebate of any kind which may be offered for the investment of funds of the ward, but if any such commission or rebate be received it must be credited to the account of the ward.

## CHAPTER IX

### CONSERVATORS

#### WHEN A CONSERVATOR MAY BE APPOINTED

Where it appears that a person is incapable of managing his or her affairs, or is wasting his or her estate so as to be likely to be reduced to want, a conservator of the person and estate may be appointed by the Probate Court.

#### APPLICATION FOR APPOINTMENT

Application for such appointment may be made by the written application of the selectman of the town of the residence or domicile of such person, or by the husband or wife, or by any of the relatives.

#### NOTICE OF APPLICATION TO BE GIVEN

Upon such application the Court will order written notice to be given and an attested copy thereof to be served upon the respondent at his or her usual place of abode, at least twelve days before the hearing, for him or her to appear before the court at the time and place stated in the notice. If the application be made by the husband or wife or any of the relatives, such order must also be served upon one of the selectmen of the town at his usual place of abode.

#### CONSERVATOR OF A MARRIED WOMAN

Where an application is made for a conservator of a married woman her husband must be made a respon-

dent, and notified in like manner as if he were a select-man respondent.

#### CONSERVATOR TO FILE INVENTORY

A conservator must make and return to the court a sworn inventory of the estate of the incompetent person.

#### DUTIES OF CONSERVATOR

A conservator must manage the estate of the incompetent, collect monies due, pay the debts, and support and maintain his ward, according to the circumstances of the case.

#### INCAPACITY OF AN INCOMPETENT

An incompetent person in fact and in law is incapable of making a contract in this state, but this incapacity does not follow him into another state unless a conservator over him has been appointed in that state.

#### ACCOUNTING BY A CONSERVATOR

A conservator is required to make an account annually to the Probate Court of the estate of his ward, unless such estate be less than Five Hundred Dollars. He is liable for any neglect of duty in the management of the estate.

#### RESTORATION OF CAPACITY

A person who has been adjudged an incompetent may upon due hearing, after public notice as prescribed by the court, be restored to his capacity, whereupon such property of a ward as may be in the hands of a conservator may be returned to the ward.

## DEATH OF INCOMPETENT

Should an incompetent die when under a conservator, his property will be delivered to his executor or administrator, and the conservator will file in court his final account to be audited and approved by the Probate Court.

## WIFE AS CONSERVATOR

A married woman may be appointed conservator of the person and estate of her husband.

## APPLICATION FOR APPOINTMENT OF CONSERVATOR

The application must be made by one of the persons heretofore named. If made by any one else it will be void.

## NEGLECT OF DUTY BY CONSERVATOR

A court of probate may remove a conservator for neglect of duty, and appoint another in his stead.

## CHAPTER X

### ABANDONMENT

#### DEFINITION OF ABANDONMENT

An abandonment of one spouse by the other, where the term is used in connection with the right of property, is not synonymous with desertion as applied to divorce. An abandonment may be justified, but not so a desertion.

#### EFFECT OF ABANDONMENT OF WIFE

When a husband married before April 20, 1877 abandons his wife, he abandons all right to the custody and control of her property. It becomes her sole estate, and during such abandonment she may sue and be sued, and transact business in her own name. If the husband has abandoned his wife for three years, a Court of Probate may authorize her to mortgage or dispose of her real estate in such manner as if she were single. If married on or after April 20, 1877, of course she has the right to dispose of her real estate as she may desire.

#### TIME OR CAUSE OF ABANDONMENT NOT IMPORTANT

Where a wife has been abandoned by her husband, with or without cause, the time of separation before she assumes to act as if an unmarried woman is not important, nor is the question as to whether he left her for good cause or not.

## SEPARATION BY MUTUAL CONSENT

Separation by mutual consent cannot, of itself, work an abandonment.

## LOSS OF STATUTORY SHARE

Neither party is entitled to the statutory share of the estate of the other where one has abandoned the other without sufficient cause, and continued such abandonment up to the time of the other's death.

## NECESSARY SUPPLIES

A wife who has been abandoned by her husband may order necessary supplies on his credit, and he will be liable therefor, although he may have notified the seller not to furnish them.

## CUSTODY OF CHILDREN

When a woman has been abandoned by her husband, the Probate Court may on her application award her the custody of the minor children.

## PROMISE OF WIFE TO PAY AFTER ABANDONMENT

If, however, a wife be abandoned by her husband, and while so abandoned by him promises to pay an obligation, she acts for herself in that case, and such a promise is binding upon her in the same way as if she were an unmarried woman.

## CHAPTER XI

### DIVORCE

#### STATE DOES NOT FAVOR DIVORCE

The State does not favor divorce. It allows it only on the ground of public policy. No married person has a vested or legal right to a divorce, and it can be had only in a court authorized by the State, and for causes prescribed by statute.

#### GROUND FOR ABSOLUTE DIVORCE

Either husband or wife may have the marriage relation set aside by decree of absolute divorce for any one or more of the following causes: (1) Adultery, (2) Fraudulent Contract, (3) Wilful desertion for three years, with total neglect of duty, (4) Seven Years' Absence, during which period the absent party has not been heard from, (5) Habitual intemperance, (6) Intolerable Cruelty, (7) Sentence to imprisonment for life, (8) Any infamous crime involving a violation of conjugal duty and punishable by imprisonment in the state prison, (9) Incurable insanity.

#### *Adultery*

It is not necessary that the party with whom the offense was committed should be married.

#### *Fraudulent Contract*

It has been held in Connecticut that, "there must be a deception in respect to some fact whose existence or



nonexistence may affect in some certain way the very essence of the marital relation."

It is very evident therefore that this is a matter for the skilled lawyer.

### *Wilful Desertion*

There must be an intent to desert. Inability of the husband to support does not constitute desertion. There must be actual, unjustifiable desertion, with an intent not to return, in spite of the wish of the other party.

### *Seven Years Absence*

Seven years absence, during which period the absent party has not been heard from. This, of course, is a matter which must be proved conclusively.

### *Habitual Intemperance*

An eminent Chief Justice of this State in a note upon this statute said, "The habitual use of intoxicating liquor, though producing excitement, will not justify a divorce. The habit must be so gross as to produce suffering or want in the family to a degree which cannot be reasonably borne."

### *Intolerable Cruelty*

This is incapable of definition and must depend upon the peculiar circumstances of each case. It must be such cruelty as is in fact intolerable, not to be borne.

### *Sentence to Imprisonment for Life*

Needs no explanation.

### *Infamous Crime*

Any infamous crime involving a violation of conjugal

duty and punishable by imprisonment in the State prison.

*Incurable Insanity*

This, of course, requires ample proof, perhaps by alienists.

CARE, CUSTODY AND MAINTENANCE OF CHILDREN

Upon a decree granted, the court may confer the custody, care and education of any children upon either party, depending upon the circumstances. After the divorce, both parents are bound to maintain any minor child according to their respective financial abilities, and irrespective of who has the custody of the child. Orders as to custody and support of minor children may be altered by the court at any time.

RESIDENCE OF PLAINTIFF

To entitle a person to bring an action of divorce, the plaintiff must have resided continuously in this State three years next before the date of the complaint, though a temporary absence for the summer or winter would not make the residence non-continuous, if such absence was in good faith.

EXCEPTIONS TO THREE YEARS RESIDENCE

1. Unless the cause of divorce arose after the removal into this State.
2. Or unless the defendant has resided in this State three years next before the date of the complaint.
3. Or unless the alleged cause is habitual intemperance or intolerable cruelty, and the plaintiff was domiciled in this State at the time of the marriage, or before

bringing the complaint has returned thereto with intention of remaining permanently.

DIVORCE OBTAINED IN ANOTHER STATE

A valid judgment of divorce obtained in another State, under the laws of that State, will be recognized in Connecticut, unless expressly against the public policy of the State.

NON-RESIDENT DEFENDANT

One who seeks a divorce from a non-resident defendant must have acquired a bona fide residence in the State in which the action is brought.

RESIDENCE MAY BE QUESTIONED

The Courts of Connecticut may, upon suit brought here for that purpose, hear and determine whether such residence was bona fide, and if the contrary appears will not recognize the foreign divorce.

MAY GO INTO ANOTHER STATE TO GET DIVORCE

One may go into another State for the purpose of getting a divorce, provided that such person acquires a bona fide residence in that State, with the intention of remaining there.

COLORABLE RESIDENCE

But a merely colorable residence is of no avail, and if proved to the satisfaction of the Connecticut Court to be such, divorce will not be recognized.

CLAIM OF FRAUD IN GETTING DIVORCE

A judgment of divorce obtained in another State, if claimed to be fraudulent may be attacked in Connecticut by proper proceedings.

## DIVORCE

## COLLUSION TO GET DIVORCE

An agreement whereby one party agrees to assist the other in obtaining a divorce is void.

## EFFECT OF DIVORCE UPON BEQUEST IN WILL

A divorce of a husband from his wife for her misconduct does not make a bequest to her in his will void, or revoke the bequest.

## ALIMONY

The court may assign to a woman divorced by it a part of her husband's estate, or may order alimony to be paid from his income, or both, and may order an amount to be paid for attorney's fees or other expenses pending the divorce, taking into consideration the circumstances of the husband. Any order for the payment of alimony may be set aside or changed by the court. No alimony may be allowed to a woman divorced for misconduct.

## CHANGE OF NAME

The court may give permission to a divorced woman to change her name, unless she be divorced for misconduct, in which case the court has no power to give such permission.

## RE-MARRIAGE OF DIVORCED PERSONS

Persons who have been divorced may marry again.

## CHAPTER XII

### CONTRACTS OF WOMEN

#### DEFINITION OF THE TERM CONTRACT

A contract may be defined generally as an agreement between two or more persons to do or not to do a particular thing, for a consideration.

#### REQUISITES FOR A CONTRACT

The essential elements of a contract are: Mutual agreement and assent of the parties. Offer and acceptance of the terms of the agreement. A good and proper consideration, and this, as a general rule, may be said to mean any benefit enuring to the promisor, or a loss accruing to the promisee.

#### CONTRACTS OF MINORS

See infants and adults, Chapter III.

#### CONTRACTS OF ADULT, UNMARRIED WOMEN

The contract of an adult, unmarried woman binds her to the same extent and in the same way that the contract of an adult man binds him.

#### CONTRACTS OF MARRIED WOMEN

Here arise questions of greater complexity. Even after marriage the wife remains liable upon all debts and other contracts made by her prior to her marriage, and neither the husband nor his property can be held answerable for the same.

## CONTRACTS MADE AFTER MARRIAGE

She is also liable upon all debts incurred or other contracts made by her after her marriage, and neither the husband nor his property can be made liable upon the same, unless the subject matter of the contract or indebtedness was (1) reasonable and necessary medical treatment for husband, wife or a minor child, living at home, (2) Rental of any tenement or premises occupied as a residence and reasonably necessary for that purpose or (3) Any article purchased by either which actually went to (a) the support of the family or (b) the joint benefit of both (c) The reasonable apparel of the wife (d) the reasonable support of the wife while abandoned by the husband. In these cases, as we have before stated, both husband and wife are liable. The meaning of the terms "support of the family", and "the joint benefit of both", has been already explained in the chapter on Support.

## SEPARATE PROPERTY OF A MARRIED WOMAN

Under our modern law, a woman married on or after April 20, 1877, with respect to her separate rights and separate property, can contract for the same purposes, in the same way, and to the same extent, as an unmarried woman can contract.

## CONTRACTS OF A WIDOW OR DIVORCED WOMAN

A widow after the settlement of her husband's estate, or a divorced woman after the execution of the decree, occupies the same position occupied by an unmarried woman so far as the right to contract is concerned.

## LIABILITY OF A MARRIED WOMAN

A married woman being answerable for her own debts and other contracts, her property is liable to be taken for them, but may in no case be taken for those of her husband. If she is bound jointly with him, however, for her benefit or for their joint benefit, her property may be taken for the joint debt just as if she were unmarried.

## MARRIED WOMEN'S DEED

It is not necessary that the husband join in a deed or mortgage given by a wife of her own property. If, however, the husband have an interest in the property he should join in the deed.

## CONVEYANCE OF PROPERTY ACQUIRED BEFORE MARRIAGE

A married woman who conveys property acquired before her marriage should state in the conveyance the name under which she acquired the property.



## CHAPTER XIII

### LEASES

#### LEASE FOR TERM EXCEEDING ONE YEAR

A lease of any building, land or tenement for life, or for a term exceeding one year, must be in writing, executed, attested, acknowledged and recorded in the same manner as a deed.

#### ORAL LEASE

An oral lease of such land or premises for a term of one year or less will be binding upon both parties the same as if it were in writing.

#### RIGHT TO SUBLET

A lessee may sublet leased land or premises unless there be a provision in the lease to the contrary.

#### LEASE SHOULD BE IN WRITING

It is better to have a lease in writing, stating the terms and duration thereof, who is to make repairs, pay taxes, assessments and insurance, whether the premises may be sublet, that rent shall cease in case of destruction of premises by fire, and that the tenant will leave the premises in as good condition as received, fair wear and tear excepted.



## CHAPTER XIV

### PERSONAL PROPERTY OF WOMEN

#### DEFINITION OF PROPERTY

Property may be divided broadly into real and personal. Real property, or real estate is usually defined as lands, tenements and hereditaments, by which latter term is meant property capable of being inherited. Generally speaking, real property, or real estate consists of lands with the buildings thereon.

Personal property consists of movable and tangible things, such as, animals, chattels, carriages, books, pictures, furniture, merchandize, and like matters, stocks, bonds, shares, mortgages, annuities, money, patents, copyright, and other income producing sources.

#### RIGHTS OF AN UNMARRIED WOMAN

An unmarried woman, widow or divorced woman may acquire, hold and own personal property in her own name, to the same extent that a man may own such property. That is to say, she may, during her life time, give it away, mortgage or encumber it in any way, sell or exchange it or dispose of it in any lawful manner. She may also by her will leave it to any person or object capable of receiving it, in such manner as she may choose.

## RIGHTS OF A MARRIED WOMAN

The right of a married woman to own and control personal property, however, depends upon the date of her marriage, whether before or after April 20, 1877.

PERSONAL PROPERTY OF A WOMAN MARRIED BEFORE  
APRIL 20, 1877

All the personal property of a woman married before April 20, 1877, whether acquired before or after her marriage, and the proceeds of such property, if sold, vested in her husband as trustee for the following uses and purposes:

He may use the income himself during his life, but must devote as much of it as is necessary to the support of the wife during her life and of her children during their minority. If the income from the property is insufficient for the support of the wife, he may apply the principal to that use, but not otherwise, except by her written consent. If she dies without leaving a will, but leaving adult children who are unable to support themselves and have no other means of support, the husband must from the income support these adult children.

## PERSONAL PROPERTY OF THE WIFE FOR HER OWN USE

The control and custody by the husband of the personal property of the wife does not extend to personal property given to her for her own personal use, or to antenuptial gifts to her for her own individual possession.

## PROPERTY OF WIFE UPON DEATH OF HUSBAND

Upon the death of the husband, the remainder of her personal property will vest in the wife if she is alive, if not, in those whom she designates by will, or in those who would take the property if she leaves no will.

## PERSONAL PROPERTY OF WOMAN MARRIED AFTER

APRIL 20, 1877

In case of a marriage on or after April 20, 1877, the wife has the sole and exclusive ownership of personal property acquired by her both before and after marriage, and the husband acquires by force of the marriage, no right or interest in such property except as a survivor after the death of the wife.

## EARNINGS OF THE WIFE

The separate earnings of the wife, and whatever may be acquired with such earnings, are her sole property.

## CONVEYANCE OF HER PERSONAL PROPERTY

Where a wife, married on or after April 20, 1877, has personal property, she may contract concerning it with third parties, or may convey it to them as if unmarried.

## LIABLE FOR HER DEBTS

Her property may be taken for her debts, whether contracted before or after marriage, but in no case may it be taken for the debts of the husband alone.

## EXCEPTIONS TO ABOVE

There are two instances where the general rules stated above have been modified, and where the ownership or

control of personal property does not depend upon the time of marriage, namely:

#### HUSBAND UNDER CONSERVATOR

Where a conservator has been appointed over the estate and person of a husband, and while the appointment remains unrevoked, the wife may exercise all rights in and concerning her estate, and may dispose of the same as if she were unmarried.

#### ABANDONMENT OF WIFE

When a husband abandons his wife, he is deemed to have abandoned his right to the custody and control of her property and the rents and income thereof. Such property immediately vests in her as her sole property, and during the continuance of the abandonment she may deal with the property as if she were unmarried. In both of these instances the rights of the woman are independent of the time of her marriage.

## CHAPTER XV

### REAL PROPERTY OF WOMEN

#### REAL PROPERTY OF UNMARRIED WOMEN

An adult unmarried woman may acquire real property by descent, gift or contract; and such acquisition gives her the sole ownership and control of such property so long as she remains unmarried. She may dispose of it as she sees fit in her lifetime, or by will to take effect after her death.

#### REAL PROPERTY OF MARRIED WOMEN

Upon marriage, the husband acquires rights in her real property, depending upon the time of the marriage.

#### MARRIAGE BEFORE APRIL 20, 1877. RIGHTS OF HUSBAND

If the marriage took place before April 20, 1877, the husband, immediately upon marriage, became entitled to the use and occupation of her real property, rents and other income therefrom during his life, subject to support of wife and children, as in the case of personal property in which his trusteeship vested.

#### HUSBAND TO JOIN IN TRANSFER

Also no sale or transfer by the husband of any interest in such estate would be valid, unless the wife, or if she be dead, those in whom her estate shall have vested, or the guardians of such as are minors, join in a written conveyance thereof; and then all reinvestments must be in the name of the husband as trustee.

## HUSBAND NOT BOUND TO ASSUME CONTROL

However, the husband is not required to assume the custody and control of his wife's property, and until he asserts his right so to do, the wife has complete control of the property, and she may act with it as she pleases.

## DEED OF REAL ESTATE BETWEEN HUSBAND AND WIFE

Prior to April 20, 1877, husband and wife could not in law deed real estate directly from the one to the other, but the deed had to be made to a third party who in turn deeded to the husband or wife. But since that time the law has been changed and husband and wife may now legally deed real estate directly from the one to the other.

## PROPERTY OF WOMAN MARRIED BEFORE APRIL 20, 1877

Prior to April 20, 1877 the husband acquired a life estate in all property, real or personal, then owned or subsequently acquired by the wife, and such property could not be disposed of without his consent. Also the wife could not contract with her husband or with anyone else.

## MARRIED WOMAN'S ACT OF APRIL 20, 1877

The passage of what is sometimes called the Married Women's Act of April 20, 1877 wrought a fundamental change, and enacted that a woman married on or after that date should have the capacity of owning, acquiring and disposing of her property, both real and personal, and possess such rights therein as belong to unmarried persons. This involves, among other things, the right of the wife to sue or contract with her husband

or any one else. But the passage of this Act did not change the status of a woman married prior to April 20, 1877.

#### MARRIAGE ON OR AFTER APRIL 20, 1877. RIGHTS OF WIFE

If the marriage took place on or after April 20, 1877, the husband thereby acquired no rights or interest whatsoever in the wife's real estate during her life. Also the rent and other income of whatsoever nature, from her estate would remain hers absolutely, as if she had remained unmarried. The wife may contract concerning such real estate, or may convey it as if unmarried. It may be taken for her debts, but not for the debts of the husband alone.

#### ACQUISITION BY MARRIED WOMAN OF REAL ESTATE FROM THIRD PARTIES

A married woman may also acquire real estate by descent from her parents and by legacy, gift or contract from third parties related to her or not.

#### UNLESS A FRAUD UPON CREDITORS

Where she acquires property from a relative, other than her husband, the acquisition will be upheld unless it was in fraud of the rights of the creditors of such relative.

#### GIFT OF PERSONAL PROPERTY FROM HUSBAND

She can not take personal property from her husband by gift where such gift would be injurious to the husband's creditors, though, if he were solvent or had other sufficient property, the gift would be upheld.



## GIFT OF REAL PROPERTY FROM HUSBAND

Neither has she the power to take real estate from her husband by deed, where the consideration is merely one dollar, or "love or affection", if such conveyance would be injurious to the rights of the husband's creditors. If the rights of creditors are not involved, such deeds are upheld.

## WIFE ACQUIRING REAL PROPERTY AFTER MARRIAGE

The same general rules, as above given, apply when the real estate of the wife is acquired after marriage, depending on whether it took place before or after April 20, 1877.

## EXCEPTIONS TO THE RULES

As in the case of personal property, there are some exceptions to the general rules, not dependent upon the time of marriage.

## (1) Real Estate Earned by Personal Service.

All real estate conveyed to a married woman after 1850 in consideration of her personal services during marriage, may be held by her to her sole and separate use.

## (2) Income from Sales of Real Estate.

Also the income from all sales of the real estate of a married woman, if invested in her name or in the name of a trustee for her, belongs to her.

## (3) Where Husband Is Under Conservator.

Where a conservator has been appointed over the estate and person of a husband, the wife may exercise all



rights in and concerning her own real estate and may dispose of the same as if she were unmarried.

(4) Abandonment of Wife.

Where the husband has abandoned the wife, he is deemed to have abandoned his right to the custody and control of her real estate and the rent and income thereof. Such estate immediately vests in her alone, and during the continuance of the abandonment she may deal with it as if she were unmarried.

FUNERAL EXPENSES OF MARRIED WOMAN

These should be paid out of her estate, if sufficient therefor, otherwise they should be paid by the husband.

## CHAPTER XVI

### DISPOSITION OF PROPERTY AFTER DEATH

#### UNMARRIED WOMEN MAY MAKE WILL

An unmarried woman of 18 years of age or over may dispose of her property, both real and personal, by will, which will take effect upon such property as she may own at the time of her death.

#### DISPOSITION OF PROPERTY OF UNMARRIED WOMAN LEAVING NO WILL

Should she leave no will, her property will first be applied to the payment of the funeral expenses, cost of settling her estate and all other just debts. The residue, if any, will go to the parent or parents. If there are no parents living, then to brothers and sisters of the whole blood, the children or grandchildren of a deceased brother or sister taking his or her share. If there are no brothers and sisters of the whole blood, then to the brothers and sisters of the half blood in the same way. If there are none of these parties alive, then to the nearest of kin.

#### MARRIED WOMEN MAY MAKE WILL

A married woman of 18 years of age or over may make a will disposing of such property, real or personal, as she may own at the time of her death.

DISPOSITION OF PROPERTY OF MARRIED WOMAN  
LEAVING NO WILL

If she leaves no will, the distribution of her property will be governed by the time of her marriage.

## MARRIED BEFORE APRIL 20, 1877, HUSBAND LIVING

If married before April 20, 1877, the disposition of her personal property after her death, while her husband still lives, has been stated in the previous chapter under the heading of Personal Property of a woman married before April 20, 1877.

MARRIAGE BEFORE APRIL 20, 1877, PERSONAL PROPERTY  
AFTER DEATH OF HUSBAND

After the death of the husband, her personal property will go to her children, the children of a deceased child taking their parent's share.

WHERE THERE ARE NO CHILDREN. DISPOSITION OF  
PROPERTY

If there are no children, or descendants of deceased children living, then the property will be distributed in the following manner:

To the payment of the funeral expenses, cost of settling her estate and all other just debts.

The residue, if any, will go to the parent or parents.

If there are no parents, then to brothers and sisters of the whole blood, the children or grandchildren of a deceased brother or sister taking his or her share.

If there are no brothers and sisters of the whole blood, then to the brothers and sisters of the half blood in the same way.

If there are none of these parties alive, then to the nearest of kin.

MARRIED BEFORE APRIL 20, 1877, REAL ESTATE OF WIFE

If married before April 20, 1877, and if there was a child of the marriage born alive, the wife's real estate upon her death will go to her husband for his life, and after his death to her child or children, the children of a deceased child taking their parent's share.

WHERE THERE IS NO CHILD THE HUSBAND HAS NO  
INTEREST

Where no child is born alive as the issue of the marriage, the husband acquires no interest in the real or personal property of the deceased wife.

MARRIAGE AFTER APRIL 20, 1877, WIFE LEAVING A WILL

Where the marriage took place on or after April 20, 1877, different rules apply. If the wife leaves a will, the property, both real and personal, will first be applied to the payment of all her debts. Of one-third of the residue, the surviving husband will have the life use, and this right can not be defeated by any provisions in her will in favor of third parties. The remaining two-thirds will be distributed according to the provisions of the will, or go to the persons herebefore specified under the heading, "Where there are no children, Disposition of Property".

WHERE WIFE LEAVES NO WILL

If the wife leaves no will, the husband takes one-third of the property, both real and personal, absolutely, and if there are no children or descendants of children,

he takes all of the property of the wife to the extent of two thousand dollars and one-half of the remainder absolutely. If there is any real estate left after the husband's share is set aside for him, it will be distributed in the manner stated above under heading of, "Where there are no Children, Disposition of Property".

#### RIGHTS OF HUSBAND UNAFFECTED BY WILL OF WIFE

These rights of the husband in the real estate of his deceased wife are given him by law and will not be affected by provisions in any will left by the wife in favor of third parties.

#### ELECTION BY HUSBAND

However, if the wife by will devises or bequeaths real or personal property direct to her surviving husband, he will be obliged to accept this provision, instead of the share that he would otherwise have, unless he elects not to do so in writing and files the written election in the Probate Court.

## CHAPTER XVII

### RIGHTS OF A WOMAN IN DECEASED HUSBAND'S PROPERTY

#### STATUTORY SHARE OF WIFE CANNOT BE DEFEATED

No man by will or otherwise can defeat the statutory right of his wife to a share in his estate, real or personal, of which he may die possessed. At the same time, unless he should leave a will, the date of the marriage, whether before or after April 20, 1877 is the controlling factor as to what her share shall be in his property, real or personal, upon his decease.

#### MARRIAGE BEFORE APRIL 20, 1877 PERSONAL PROPERTY OF HUSBAND

A wife married before April 20, 1877, has no interest in the personal property of her deceased husband, except as provision is made for her by the Probate Court during the settlement of the estate.

#### PROVISION FOR WIFE

Provision is made by way of distribution by the probate court, unless the wife made during marriage a written contract with her husband for the mutual abandonment of all rights of either in the property of the other, or for the acceptance in lieu thereof, of such property rights as she would have had if married after April 20, 1877. This contract must have been duly

recorded in the Court of Probate and also in the office of the Town Clerk of the town in which they resided.

#### PERSONAL ESTATE OF DECEASED HUSBAND

If the wife during marriage did not contract with her husband as above set forth, then upon the death of her husband intestate, there will be distributed to her a one-third part of the personal estate of the intestate forever; and if there be no children of the intestate, or any legal representative of them, she will receive one-half of such personal estate forever.

#### REAL PROPERTY. DOWER RIGHT

Every woman married before April 20, 1877 who lived with her husband at the time of his death, or who was absent with his consent, or because of his wrongdoing, or by accident, or who obtained a divorce without alimony where she was the innocent party, has the dower right to the life use of one-third of the real estate possessed by the husband in his own right at the time of his death, unless suitable provision for her support was made before or after marriage, or unless during marriage she made a written contract with her husband, duly recorded, as heretofore set forth in this chapter under the head of "Provision for Wife". She cannot be prejudiced in this right by any provision in the husband's will in favor of third parties.

#### ELECTION IN LIEU OF DOWER RIGHT

The husband may, however, by will, devise or bequeath property to the wife, expressly providing that the provision shall be in place of her dower right. She will then be barred from her dower right unless she files a



written notice in the Probate Court that she declines to accept the legacy or devise in the will. But a divorced woman, even though innocent, has no right of dower in the estate of husband who has remarried if he leaves a lawful widow.

#### REQUISITES OF DOWER

The woman must have been the wife of the decedent, have been married before April 20, 1877, and be living actually or constructively with her husband at the time of his death, or being the innocent party have been divorced without alimony, having no provision made for her expressed in lieu of dower, and not having made a contract or agreement in writing to that effect.

#### MARRIAGE AFTER APRIL 20, 1877. WILL OR NO WILL

In case of a marriage on or after April 20, 1877, the controlling factor is the existence or non-existence of a will.

#### WHERE HUSBAND LEFT A WILL

If the husband left a will disposing of his property by legacies or bequests, the wife has one of two courses open to her in order to secure her legal share of the deceased husband's property:

She may take the provision bequeathed to her in his will, or, if she be not satisfied therewith, she may have the life use of one-third of the property, both real and personal owned by the husband at the time of his death, after the payment of all charges against the estate. Such charges do not include legacies or bequests; therefore, she would be entitled to one-third of the estate as



it stands before the payment of legacies or bequests, but after the payment of all charges which would include debts owed by the husband and expenses connected with the probate of the will in the Probate Court, and such attorney's fees as may be approved by the court.

#### WHERE HUSBAND LEFT NO WILL

Where there is no will, the wife takes one-third of the property of her deceased husband absolutely; but, if there are no children or descendants of children, the wife takes all of the property of the husband to the extent of two thousand dollars and one-half of the remainder if any.

#### RIGHT OF WIFE CANNOT BE DEFEATED BY WILL

These rights of the wife cannot be defeated by any provision in the will of the husband in favor of third parties.

#### PROPERTY DEVISED IN LIEU OF ONE-THIRD SHARE

Where the husband has by will devised or bequeathed property to his wife, such provision is presumed to be taken in lieu of the one-third share stated above.

#### ELECTION BY WIDOW

The widow should elect in writing, filed in the Probate Court, whether she will take her statutory share of her husband's estate, or abide by the provisions of the will. If she does not so elect she will be presumed to have accepted the provisions of the will, and is then debarred from her statutory share.

## WHERE WIFE HAS ABANDONED HER HUSBAND

A wife who has abandoned her husband, and has continued the abandonment up to the time of his death, has no right to a statutory share in his estate.

## DIVORCE FOR MISCONDUCT OF WIFE

If a married woman has derived from her husband, in consideration of marriage, or of love and affection, any estate, and he obtains a divorce from her on the ground of her misconduct, such estate, whether real or personal, may be decreed by the court to belong to him.

## CHAPTER XVIII

### HOMESTEAD. EXEMPTIONS

#### EXEMPTION OF HOMESTEAD

Any woman owning and actually occupying as a dwelling any building, may execute a written declaration of her desire and intention that the same, together with any other real estate occupied and used by her in connection therewith, not exceeding in value, one thousand dollars, shall be held by her as a homestead exempt from execution, which declaration shall be executed and recorded in like manner as a deed of land, or may be expressed in any conveyance of any such property.

#### ONE THOUSAND DOLLARS IN VALUE

And thereupon such property to the extent of one thousand dollars in value will be her homestead, exempt from attachment, execution or judgment lien for any debt or liability of such person incurred after the record of such declaration or conveyance, so long as such property be actually occupied by her as her dwelling.

#### RIGHT OF OCCUPATION

And if the property be owned by her husband and be sold for the payment of any debt or liability after his decease, excepting expenses for his funeral and last sickness, such sale shall be subject to the right of occupation of such property by the widow of the deceased,

if any, for life, and by the children during their minority.

#### FREE FROM EXECUTION

Such right of occupation shall be free from attachment, execution or judgment lien for any debt or liability of such widow, husband or children.

#### RELEASE OF HOMESTEAD RIGHT

Any homestead right of exemption may be released as to the whole or any part of the property so exempted, provided, the husband or wife, if any, of the owner join in the declaration of release; the husband or widow may release his or her right of occupation in any such property; and the guardian of any minor child may, with the consent of the court of Probate, release the right of occupation of such child in any real estate.

#### RECORDING RELEASE

All such releases shall be executed and recorded in the same manner as deeds of land.

#### NOT MORE THAN ONE EXEMPTION

No person shall have a homestead exemption in more than one dwelling at the same time.

#### IF IN EXCESS OF ONE THOUSAND DOLLARS

Should the property so claimed to be exempt be of a value of more than one thousand dollars, proceedings may be instituted to set off so much of the same to the extent of one thousand dollars.

#### EXEMPTIONS OF PERSONAL PROPERTY FROM EXECUTION

The law allows certain specified property to be exempt from execution, as to which the statute should be consulted.

## CHAPTER XIX

### WILLS

#### DEFINITION OF A WILL

A will is the solemn disposition of a person's property, to take effect after the death of the testator. It is commonly called a Last Will and Testament, and must designate clearly the property to be conveyed and the person or object who is to be the recipient or beneficiary thereof. Unless such property, person or object be specified by the testator properly by name and by description the bequest will fail.

#### REQUISITES OF A WILL

The law is very positive as to the elementary requisites of a will. It says, "No will or codicil shall be valid to pass any estate unless it be in writing, subscribed by the testator, and attested by three witnesses, each of them subscribing in the presence of the other."

#### WOMAN MAKING HER OWN WILL

Generally speaking, we do not advise a woman to make her own will; but there is no reason why she should not do so if the estate be not large or the will too complicated. Therefore, for the benefit of those who desire so to do, some of the leading principles which must be followed are set forth herein.

## EXECUTION OF A WILL

1. The will must be executed with all the requisite legal formalities.
2. The testatrix must have testamentary capacity.
3. The will must be executed freely, without undue influence, fraud or mistake.

## LEGAL FORMALITIES

By requisite legal formalities is meant that the property devised or bequeathed must be clearly described, so as to be identified with certainty. That the names of the persons or objects named as legatees must be so set forth that no mistake will arise as to who is intended to be the donee. That the will be subscribed by the testatrix in writing, and that it be attested by three disinterested witnesses subscribing their names in the presence of the testatrix. It is not necessary that a witness should know the contents of the will or even that it is a will.

## TESTAMENTARY CAPACITY

The testatrix must be not less than eighteen years of age, of sound mind and memory, and capable of understanding and knowing the business in which she is engaged. She must have a recollection of the property she wishes to dispose of, the persons to whom she wishes to convey it, and the manner in which she wishes to distribute it among them. It is not necessary that the will be in her own handwriting, though it is very desirable that it should be.

## UNDUE INFLUENCE, FRAUD OR MISTAKE

Proof of undue influence, fraud or mistake will vitiate a will. Undue influence may be defined as that which compels the testator to do that which is against her will, from fear, the desire of peace, or some feeling which she is unable to resist.

If it be discovered that there is ground for belief that the testatrix has been actuated by undue influence, or that she has been the victim of fraud or mistake, a competent attorney should be consulted without delay.

## CANCELLATION, ALTERATION OR REVOCATION OF WILL

As a will does not acquire force until the death of the testatrix, it may be altered, cancelled, or revoked by her during her life, providing it is done in accordance with law.

## CODICILS

Should it be desired to make alterations or additions to a will, a codicil may be executed, but such codicil must be drawn with the same formalities, and subject to the same rules as are applicable to the drafting of a will. A codicil is part of the will, and the codicil and the will are to be read as one instrument. The rules as to subscribing witnesses apply with equal force to codicils.

## MARRIAGE OF, OR CHILD BORN TO TESTATRIX

It is of the highest importance to bear in mind that if the testatrix marry, or if a child be born as the issue of the marriage, or a minor child be adopted, and no provision be made in the will for such contingency, such marriage or birth will revoke the will. Marriage



alone, without the birth of a child revokes a will already made.

#### REVOCATION OF WILL

No will or codicil can be legally revoked except by burning, cancelling, tearing or obliterating it by the testatrix, or by person in her presence by her direction, or by a later will or codicil, or by marriage or birth or adoption of a child to testatrix, as above stated.

#### LEGATEE NOT TO BE A SUBSCRIBING WITNESS

A devise or bequest to a subscribing witness to a will or codicil, or to his or her wife or husband, except it be to an heir, is void.

#### ORAL STATEMENTS

No statement of a testatrix, or desire as to any matters in the will, if expressed orally only, no matter how emphatic or explicit the language, can have the slightest effect in an attempt to alter, vary, add to or revoke any will or codicil, or any part thereof.

#### ALTERATIONS IN A WILL

An alteration may be made in a will before it is signed and attested if such alteration is properly verified and attested, but never after it is signed. At the same time any alteration in a will is dangerous and liable to cause trouble when the will is probated.

#### FORM OF A WILL

No particular form of will is necessary, but in the case of a testatrix who desires to leave the whole of her estate to one person absolutely, a form somewhat as follows may be used:



I A. B., of, etc. do hereby make this my last will and testament.

I give, devise and bequeath all the real and personal estate of every description, wheresoever situated, to which I may be entitled at the time of my decease, unto (Here give full name and address, and relationship, if any, of the devisee).

And I appoint the said (giving name only) sole executor (or executrix) of this my last will and testament, hereby revoking all other wills or codicils heretofore made by me. (If no other will has been made the revocation clause may be omitted.)

In witness whereof I have hereunto set my hand and seal, at.....this.....day of.....19...

Signed, sealed, published and declared to be her last will and testament, by the above named testatrix .....in the presence of us, who in her presence, and at her request have hereunto subscribed our names as witnesses.

AB	(Address)
CD	"
EF	"

#### ANOTHER FORM OF A WILL

In the case of a single woman who proposes to give her property to relatives, friends and in charity, the following form may be of assistance in drawing such will.

I AB of etc., a single woman, do make this my last will and testament, hereby revoking all former wills or codicils.

First. I appoint C. G. of etc., executor of this will, and exempt him from giving any bond with surety. I empower my executor or my administrator with the will annexed to sell and convey by public or private sale any or all of my real estate, at his discretion he to be the sole judge as to the propriety of such sale, and to execute such deeds as may be proper and lawful.

Second. I give to each of my brothers and sisters, (naming each of them) the sum of ..... Dollars.

Third. I give to my friend E F the sum of....Dollars.

Fourth. I give to G H my faithful servant, the sum of....Dollars, in token of my appreciation of her services.

Fifth. I give to the Church of ..... the sum of ..... Dollars.

Sixth. I give all my household furniture, wearing apparel, books, pictures and other effects in my apartments at ..... to my cousin I. J.

ALL the rest and residue of my property and estate, wheresoever situated, I give, devise and bequeath to The ..... in the City of .....

In witness whereof, etc. (As given heretofore)

#### AFFIDAVIT AS TO EXECUTION OF WILL

In Connecticut the law requires that the execution of the will be proved affirmatively by one of the attesting witnesses before it can be probated, but it also provides that the attesting witnesses may make affidavit as to such facts as they would be required to testify

to in court. Therefore, as the attesting witnesses may be scattered, it may be impossible or difficult to produce them, it is advisable to add to the will and affidavit in the form annexed.

State of Connecticut

ss. ....(Insert date and place.)

County of .....

The within named A B, C D, and E F, (The subscribing witnesses) being duly sworn, depose and say that they witnessed the within will of the testatrix herein named, .... (giving name of testatrix) and subscribed their names in her presence and at her request and in the presence of each other; that the said ..... at the time of the execution of said Will appeared to them to be of full age, and of sound mind and memory, and under no improper influence or restraint, and that she signed said will and declared the same to be her last Will and Testament in their presence; and that they make this affidavit at the request of said testatrix.

.....  
 .....  
 .....

Subscribed and sworn to at the request of the within named ....., the day and year above written

.....

Notary Public.

It is the practice of Courts of Probate to accept such an affidavit in place of oral proof, in cases where there is no contest as to the will.

## FORM FOR CHOOSING AN EXECUTOR

If it be desired to leave no will, but the testatrix should wish to provide for an executor of her own choice, the following form may be used.

"I A.B. of etc., hereby declare this to be my last Will and Testament.

I appoint C.D. of ..... and E.F. of ..... to be executors of this Will, and direct that they be not required to give bond as such executors. (Generally speaking, one executor is sufficient.)

The purpose of this will is only to appoint executors, and I dispose of my property real and personal in the manner as the same will be distributed by law.

In testimony whereof, I, A.B., set my hand and seal, etc." (the same as hereinbefore provided), to be signed by three witnesses as before given.

## FORM OF CODICIL

The form of a codicil may be:

I, AB, make this codicil to my last will and testament which was dated .....

I give to BC in addition to her former legacy, the sum of .....Dollars.

I cancel and revoke the legacy of ..... given to EF.

In all other matters I hereby confirm my said will.

Witness my hand and seal this .....

Signed, sealed, published and declared by the above AB as and for a codicil to her last will and testament,

in presence of us, who in her presence, and at her request, have hereunto set our hands and seals,

J L	L S.
M N	L S.
S T	L S.

#### DEVISE OF ALL REAL ESTATE

A clause in a will purporting to convey all the real estate of a testatrix will be construed to convey all the real estate belonging to her at the time of her decease, unless it clearly appears by the will that she intended to do otherwise.

#### RESIDUE OF AN ESTATE

Residue means, generally, such of the estate as remains after the payment of debts, legacies and expenses of settlement of the estate.

#### DISTINCTION BETWEEN PER CAPITA AND PER STIRPES

These terms will be frequently found in wills:

Per Capita means by the heads. In other words, share and share alike in the distribution of property.

Per Stirpes means by roots. By families. Where in succession one branch of a family takes the share which the ancestor would have taken had he lived. For instance, in a devise to M and the children of N, if they take per capita M and the children of N would take the property share and share alike. But, if they take per stirpes M would take one half, and the remaining half would be divided between the children of N in equal shares.

## CANCELLATION OF A DEBT OR OBLIGATION

Should the testatrix desire to forgive or cancel any debt or obligation due to her, some such form as the following may be used,

“Whereas certain sums of money are due to me from . . . . ., it is my will and I hereby direct that . . . . . be fully discharged from the payment of such sums, and that the evidences thereof be cancelled and destroyed by my executor, or administrator immediately after my death.”

## DISTINCTION BETWEEN LEGATEES

If it should be desirable to make a distinction between legatees in distribution, it is well to state the reason therefor, as “Whereas I have already given certain sums of money to . . . . .”, or “have already provided for . . . . .” or, “As . . . . . is a cripple,” or any other reason that may exist.

## TAKING POSSESSION BY DEVISEES

One of the most important question is, especially in estates of considerable size, the time at which the minor heir or heirs shall come into the physical possession of the property. Under ordinary circumstances, it would be when he or she becomes of age. But, in many cases it may not be deemed expedient or advisable to turn over possession of the whole property at that time. It is a simple matter to state in the will that the devisee shall receive one-half on attaining majority, and the remainder on reaching the age of twenty-five, or other period. In such an event the guardianship of the property will continue until the time specified.

## FEMALE MEMBERS OF A FAMILY

It should not be forgotten when making a will, that as a general rule, a woman has not the same power or opportunity of earning a livelihood as a man, and that it is more difficult for her to battle with adverse circumstances.

## UPKEEP OF A HOMESTEAD OR ESTATE

Not uncommonly the homestead or the real estate is devised to the children share and share alike, with the expectation that some of them will occupy the homestead, while others may be nonresidents. In such a case it is very desirable, if the estate will allow of it, to set aside in the will a certain sum for what is usually termed upkeep. By this is meant interest on mortgage, if any, taxes, insurance, annuities or charges against the estate, repairs, or what is commonly called fixed charges, in fact, such expenses to which all the co-owners should contribute. This plan would avoid the trouble and annoyances of constantly calling upon the nonresident owners for their share of these expenses. Of course, this will entail the services of a competent lawyer to draft the provisions, and to arrange, in case of a sale of the property, for the disposition of the sum thus set aside.

## MISTAKE IN A WILL

A mistake in a will does not necessarily render the whole will void.

## VOID WILL

Should a will be declared void, the estate will be administered under the rules of law applicable to intestate estates.



## PERPETUITIES

It has always been the policy of the law in this State to prohibit the tying up of property beyond a certain period. Any gift of property whether real or personal, which does not vest or give possession thereof within a life or lives in being and twenty-one years and nine months thereafter, is invalid.

In other words, a will which attempts to tie up property beyond that time would be void as to that property. This, however, does not apply to charitable trusts.

The subject is too intricate to be discussed here, and it is introduced merely as a warning that a testatrix must not undertake to tie up property by a will beyond the time mentioned.

## WHEN NOT ADVISABLE TO DRAW HER OWN WILL

If the estate be large, or if it be proposed to leave it to various persons or for certain objects, it is not advisable that a woman attempt to draw her own will, unless she have legal skill and knowledge.

## SUBSCRIBING WITNESSES

On no account let a subscribing witness be one who is or may be in any way interested in the disposition of the property, or is a legatee or the wife or husband of a legatee under any contingency.

Choose clear-headed and reliable persons, residents, and those who are not likely to move away from their present abode.



## ILLITERATE OR BLIND TESTATRIX

In such case take pains to have the will read over to the testatrix with great care, making sure that she understands it, and let the subscribing witnesses state under oath fully, that the will was so read over and approved by the testatrix before it was signed.

## EXCLUSION OF ANY HEIR OR HEIRS

Should the testatrix wish to exclude any immediate heir, it is well to mention the fact with reason for such exclusion, or leave such heir a nominal sum with statement as above.

## SIGNATURE OF A WILL BY MARK

A testatrix may make her signature by a mark, with the same force and effect as if made in the usual manner.

## APPOINTMENT OF EXECUTOR

Do not appoint an executor until you have ascertained that the appointment will be agreeable to the appointee. If the estate be of any considerable size it is better to appoint some reliable Trust Company as sole executor, or in conjunction with such executor as the testatrix may appoint, especially when there are minor children.

## WHEN ADVISABLE NOT TO MAKE A WILL

If the intention of the testatrix be to leave the property to the immediate family to be fairly divided, with no limitations, it may be better to make no will, when the Probate Court will distribute the estate according to law.

## CODICILS

Should it become necessary to alter or make additions, substitutions or revocations in part in a will already made, a codicil or codicils, duly signed and attested as the original will, may be drawn: but unless the will be of some length, it is better to redraft the will and destroy the former one.

## DESCRIPTION OF LEGATEES, ETC.

Descriptions of legatees and of all parties named in the will should be clear and definite, giving their full names and addresses, and relationship, if any. Personal property should be specifically described. The greatest care should be exercised in the description of real estate bequeathed, as to location if in a city, town or village, and as to location and quantity if in the country.

Let the language be clear and explicit, and in the nature of a command. Do not use such expressions as, "I would like," "I prefer," "To such people as may be worthy," etc. Any devise or bequest so expressed would be void, and nothing would be taken thereunder.

## BEQUESTS MUST BE CLEAR AND CERTAIN

Should the testatrix desire to leave money to be expended at the discretion of her executor, do not say "I hereby empower my said executor at his discretion to pay or distribute the sum of \$. . . . to such of my relatives as may be needy, or among the poor of the village of . . . . .," because such a bequest would be void for want of certainty as to who were poor and needy; but say "I hereby give to my said executor, in

trust, however, the sum of \$. . . . to be by him distributed at his discretion, he to be the sole and only judge as to his discretion", stating the persons to whom such bequests may be made.

#### HEIRS, ISSUE, ETC.

Be very careful how you employ such words as "heirs", "issue", "legal heirs" and the like, in disposing of real estate. Be sure that you understand their meaning before you employ them.

#### GIVE, DEVISE, BEQUEATH

In the case of personal property it is sufficient to say "I give"; in the case of real estate, it is better to say "I give, devise and bequeath."

#### EMPLOYMENT OF A LAWYER

Unless a will can be drawn in substance within one of the forms heretofore suggested, or if it be desired to leave only a life estate, or to vary the conditions of natural inheritance, it would be advisable to consult a competent attorney.

#### ALTERATIONS OR ADDITIONS

Make no alterations, erasures or interlineations in the will, but if changes be necessary rewrite it. If two or more sheets are used fasten them together. It is not necessary to sign each sheet, but it is well to state of how many sheets the will consists.

#### DESTRUCTION OF PAPERS CONCERNING WILL

Be sure to destroy all previous wills, rough drafts and suggestions for the will. Do not leave them among

your papers. Let there be one will, with codicils if necessary, and only one.

#### CUSTODY OF WILL

Keep your will in a safe place, free from intrusion. Leave it with your lawyer, or where it is not likely to be lost or destroyed.

#### USE OF A PENCIL IS LEGAL

A pencil may be used in case of absolute necessity, but nothing else will excuse its use.

#### CERTIFICATE OF OWNERSHIP OF REAL ESTATE

The statute provides that if the deceased was the owner of any real estate at the time of death the executor or administrator shall file with the town clerk in each town where such real estate is situated, a certificate in writing stating the fact and the time of death of such decedent, the place where he or she last dwelt, and whether decedent left a will. The certificate to be recorded in the land records of said town.

#### DEATH CERTIFICATE

Such representative is required to lodge with said clerk a certificate of the death of such person.

## CHAPTER XX

### PROBATING A WILL

This chapter refers only to proceedings where the estate is solvent. Where the estate is, or is supposed to be insolvent, the services of counsel will be necessary, and the steps to be taken in connection therewith are outside of the scope of this work. The same is true where the decedent lived and died out of the State of Connecticut.

#### DOMICILE OF THE DECEASED

The first question that arises is as to the domicile of the deceased, and the Judge of Probate is by law required to make and have entered of record a finding as to such domicile.

#### WIDOW AS EXECUTRIX

In most cases the widow alone, or in conjunction with another, is made the executrix under the will.

#### TITLE TO AND CUSTODY OF PERSONAL AND REAL PROPERTY

On the death of a testator the legal title to the personal property vests immediately in the executor or administrator, but only the possession, care and custody of the real estate.

#### DEFINITION OF AN EXECUTOR OR EXECUTRIX

An executor or executrix is the person whom the testator in his last will and testament appoints to carry out

the requests therein contained, and to dispose of his property according to the provisions of the will.

#### DEFINITION OF AN ADMINISTRATOR OR ADMINISTRATRIX

An administrator or administratrix is a person appointed by the Probate Court to manage and distribute the estate of an intestate, or of a testator who has appointed no competent executor.

#### WIFE APPOINTED EXECUTRIX IN THE WILL

Where the widow becomes executrix under the will, she must within thirty days after the death of her husband, present the will to the Court of Probate in the district where he last dwelt, and signify her intention to act as such executrix, or state her refusal, as the case may be. The will should be probated as soon as may be after the death of the husband.

#### BOND TO BE GIVEN

If she accept the trust, before she can act as executrix, she will be required to give a probate bond to be approved by the court; but if the will direct that no bond be given, then it will be sufficient if she execute a bond in double the amount of the debts of the estate, or the amount of taxes due and succession tax, whichever of such amounts is the greatest.

#### ORDER FOR HEARING AS TO WILL

The court will then appoint a day on which the hearing will be had on the probating of the will, and also will make an order for due notice to be given, specifying the manner in which the notice is to be given, and the time and place of the hearing.

## HEARING BY THE PROBATE COURT

Upon the hearing the court will determine whether the provisions of law are complied with in the will, and if there is no objection to the will, he will approve and allow it, and order it to be filed and recorded. Should objections be raised he will take steps to determine the controversy.

## WHEN A WILL MAY BE ADMITTED TO PROBATE FORTHWITH

A will if proper in form may be admitted to probate at once, without a formal hearing, where the applicant is the sole heir, and the parties interested consent in writing thereto. This is also true where the estate is all in cash, and there is but one distributee.

## INVENTORY

Within two months after the acceptance of the bond the executrix must file in Probate Court a sworn inventory of all the property, real and personal, belonging to the deceased at the time of his death, within the State, and of all such personal property without the State. The statute is very broad and includes all goods, chattels, credits and estate, including life insurance.

## APPRAISAL

All of such property must be appraised by two or more disinterested persons, appointed by the Court, who will make a sworn return of their doings, showing the property appraised and the value of each item so appraised as contained in the inventory made by the executrix. A form for inventory and appraisal will be found at the end of this chapter.



## PROBATING A WILL

## BASIS OF APPRAISAL

All property, real and personal, must be appraised at its fair market value. No appraisal need be made of cash in hand or in bank, but the amount thereof must be given.

## PROPERTY DISCOVERED LATER

If later any other property be found, an additional inventory of the same, appraised and sworn to in like manner, must be filed in the court.

## ITEMIZED INVENTORY

The executrix, if the appraised value of the estate be in excess of two thousand dollars, must at the time of filing the inventory and appraisal as before stated, also file an affidavit in duplicate setting forth the items included in such inventory on which a tax has been assessed by any town or city during the year next preceding the death of her husband, the assessed value of each item and the place of assessment or payment of the tax on each item.

## GIFTS AND LEGACIES OF REAL AND PERSONAL ESTATE

The executrix must make a list or inventory of all gifts, legacies and devises of real and personal property, giving a description of the same, and the name and address of the donee or legatee, and file the same in the Probate Court.

NO PROPERTY TO BE TRANSFERRED UNTIL INVENTORY IS  
APPROVED BY THE COURT

She may not transfer or convey such property to the donee or legatee until such inventory has been presented to and approved by the Court.



## EXECUTRIX TO PROCURE THE NECESSARY ORDERS

It is her duty to apply for and procure all the necessary orders for the settlement of the estate from the Probate Court, as the court is not required to do so of its own motion. Such orders may be obtained by her in person. It is not necessary to employ an attorney for that purpose. The court or the clerk will act upon applications or petitions addressed to the court. It is the usual practice of a court of probate or the clerk thereof, to give assistance and advice in the ordinary routine of matters connected with the administration of an estate.

## CLAIMS AGAINST THE ESTATE

The probate court will order the executrix to notify in such manner as it may deem proper, the creditors of the estate to file their claims with her in writing within such time as it may appoint, not more than twelve nor less than six months from that date; but creditors not inhabitants of Connecticut, may present their claims at any time within one year of the order of notice. Failure to present claims within the time specified in the order may bar the claim forever. The time for presentation of claims may be extended by the court, under certain conditions.

## DEFINITION OF THE TERM "CLAIM"

The claims covered by the notice are only those debts which were owing by the deceased at the time of death, and not any which are incurred in settling the estate, such as probate fees, or for the services of an attorney, which are charges against the executrix, in the first

instance, but are proper charges against the estate in the settlement thereof.

#### SWORN LIST OF CLAIMS

Within thirty days after the time limited by the court for the presentation of claims, the executrix must make a sworn return to the court of the notices given to the creditors, together with a list of all claims presented to her within the time limited.

#### CLAIMS TO BE PRESENTED TO EXECUTRIX

All claims must be presented to her, so that she may pass upon them and allow or disallow them according to her judgment. She may require them to be sworn to.

#### ALLOWANCE OF CLAIMS

Claims against the estate must be presented to the executrix, within the time originally limited. Such claims are to be passed upon by her, and not by the Probate Court. It is her duty, therefore, to examine carefully every such claim, and not to allow it until she is clearly of the opinion that it is valid and just. To do this she may have to examine the books and papers of her deceased husband, and she should do so if by that means she can verify or disprove a doubtful claim. Should she be in doubt as to a claim she should disallow it and notify the claimant, giving him opportunity to prove it. When a claim is totally disallowed by her, she should notify the claimant in writing to that effect. Should she deem it advisable to settle or compromise she should obtain an order from the court so to do; otherwise, she acts at her peril. Undisputed bills and charges should be paid without unnecessary

delay. All taxes and city and other assessments should be paid promptly so as to avoid interest and expense. Any promissory notes given by her husband, should be verified, and interest or principal paid when due, or renewals arranged. In these and all such matters she must exercise due care so as to avoid any personal liability.

#### COLLECTION OF ASSETS

In like manner she must be diligent in demanding and collecting money or property due to the estate. All demands should be made in writing, and a copy of the same preserved.

#### AFTER-ACCRUING CLAIMS

After-accruing claims are such as accrued after the limit of expiration of the time of limitation. These, generally speaking, are matters which call for the services of an attorney.

#### ORDER OF PAYMENT OF CLAIMS

The law requires the payment of claims against the estate in the following order: First, the funeral expenses and the expenses of settling the estate. Second, debts due for the last sickness of the deceased. Third, all lawful taxes and all debts due to the State and to the United States. Fourth, other preferred claims, and last, all other debts allowed in proportion to their respective amounts.

#### ACCOUNTING BY EXECUTRIX

If it be found that the estate cannot be settled within the time fixed by the court, usually a year, and there is a prospect that some time will elapse before final set-

tlement, the executrix should, after the lapse of a year from her appointment, make a preliminary report to the court, showing receipts and expenditures to date.

#### FINAL ACCOUNT

When all the debts and legacies have been paid or disposed of the executrix must make up a final account under oath and present the same to the court for its approval. Such report must include receipts for all sums expended, except small items.

#### HEARING ORDERED ON REPORT

The court will then order a hearing to be had on the report, and will fix the time and place for the same, and will determine what notice will be given therefor.

#### ASCERTAINMENT OF HEIRS. DISTRIBUTORS

The court will then ascertain who are the legal heirs and distributees, and will appoint three disinterested persons, who will act under oath, making an order that they distribute the estate in accordance with the proportionate shares as ascertained by the court.

#### DUTIES OF DISTRIBUTORS

The manner of distribution is left entirely to the distributors, and with it neither the court nor the executrix has anything to do. They act under the direction of the court and will set out to each distributee its proportionate share, describing each item and to whom it belongs, in clear and proper language.

#### RETURN OF DISTRIBUTORS

They will then return to the court a report in writing of their doings, and if the court approves the same it will order it recorded.

## CERTIFICATE OF DISTRIBUTION OF REAL ESTATE

Where real estate has been distributed the court will cause a certificate to issue, setting forth the names of the parties to whom such real estate has been distributed, with a full description of the land.

## EXECUTRIX TO FILE CERTIFICATE

Within a month after the distribution the executrix must procure from the court a certificate as above and record the same in the office of the Town Clerk of the district where the real estate is situated.

## AGREEMENT AS TO DISTRIBUTION

Where all the interested parties agree in writing to a certain distribution, or where the will itself provides for a full distribution, the court may order the estate to be so distributed without the intervention of distributors. But no action in this respect can be taken without the written authority of the Probate Court.

## DISTRIBUTION IN CERTAIN CASES

Where the estate consists wholly of cash, or where there is but a single distributee, the Probate Court may order the same to be paid over to the party or parties entitled to the same. This cannot be done without an order from the court to that effect.

## CHARGES AND EXPENSES TO BE PAID

In a case where an estate is distributed by agreement of the parties, or by order of the court, instead of by appointed distributors, the amount of the estate must first be shown to the satisfaction of the Judge of Probate, and all charges and expenses of the settlement paid.

## EFFECT OF DISTRIBUTION

The order of distribution relates back to the death of the testator, and establishes conclusively who are the heirs, unless an appeal be taken. The distribution itself determines conclusively what share of the estate each heir is entitled to take.

## PARTIAL DISTRIBUTION

Should the estate be large and charged with annuities, the court may order a part distribution to be made to any annuitant.

## SETTLEMENT OF ESTATE

When the estate has been distributed, or handed over by order of the court, the certificate of distribution in the case of real estate duly recorded in the proper Town Clerk's office, and all taxes paid, then, and not until then, can the estate be said to be settled.

## VERY SMALL ESTATE

In the case of a very small estate, where there may be barely sufficient or insufficient means to pay the funeral expenses and debts, application should be made to the Probate Court for such relief as the statute in such instances may provide.

## SPEEDY SETTLEMENT OF AN ESTATE

It seems almost unnecessary to state that an executrix or an administratrix should settle the estate as expeditiously as possible, so that those entitled to their share should have the enjoyment of it.

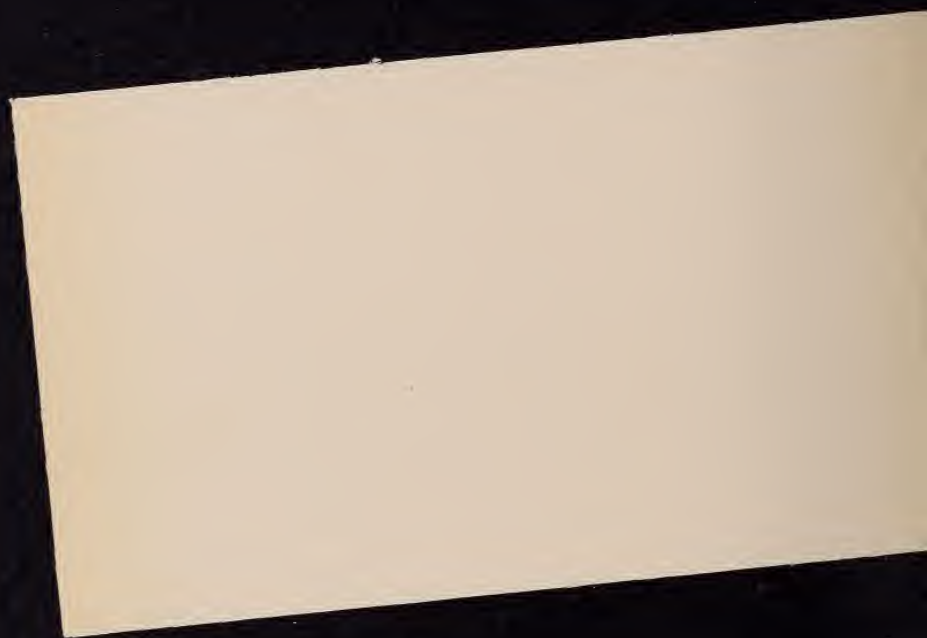
## ERRATUM

PAGE 95: *The second paragraph should read as follows:*

### WHERE THERE IS NO WILL

When a person dies intestate, the court will make an appointment of an administrator as in the case where no executor is named, in which case he is generally termed an administrator sine testamento, or an administrator s.t. as it is sometimes called.







## WHERE THERE IS NO EXECUTOR

Where no executor is named in the will, or if named he has died, or declines to act, the probate court will commit the administration of the estate to the wife, if living, or to the next of kin if they are interested in the will: but if not, then the court will appoint such person as it may see fit.

## WHERE THERE IS NO WILL

When a person dies intestate, the court will make an appointment of an administrator as in the case where no executor is named, in which case he is generally termed as administrator with the will annexed, or an administrator c. t. a., as it is termed.

## PROBATION OF WILL NOT TO BE DELAYED

The will should be probated as soon as may be after the death of the decedent, and the same with regard to the appointment of an administrator.

## NEXT OF KIN AS ADMINISTRATOR

Next of kin may be appointed by the court, where the wife declines or is unable to act, in the following order: First the children, or failing them, the father of the deceased. If he be dead, the brothers, grandfather, uncles and nephews, cousins, male or female.

## HEIRS AT LAW. ALIENS

In the absence of a will the heirs-at-law are entitled to the estate. Husband and wife are not heirs-at-law of each other. Alien heirs-at-law may take personal property by distribution, but can not inherit real estate.

## WIDOW AS ADMINISTRATRIX

If the husband die intestate, or testate but fails in his will to appoint an executor, the widow may be appointed administratrix, in which case her duties and obligations will be the same as if she had been appointed executrix under the will. The foregoing rules and directions as to her conduct as executrix will apply equally when she is appointed administratrix. As executrix her title and powers accrued at the instant of death, and as administratrix they relate back to that time.

## COMPENSATION OF EXECUTRIX OR ADMINISTRATRIX

An executrix or an administratrix may charge a reasonable sum for her services, subject to the approval of the Probate Court.

## WIDOW'S ALLOWANCE

A court of probate may allow out of the personal, but not the real estate, of the deceased husband, while it is in settlement before the court, such amount as it may deem necessary for the support of the widow or family of the deceased. The amount thereof will be in the discretion of the court, taking into account all the circumstances surrounding the particular case. Such allowance is not open to attachment.

## WHERE ADEQUATE SUPPORT IS OTHERWISE PROVIDED

In a case where adequate tangible provision has been otherwise made for the widow and family, the allowance should not be granted.

## NO SUCH SUPPORT TO BE GRANTED TO A HUSBAND

No such support will be granted to the husband out of the estate of a deceased wife.

NOT TO BE GRANTED UNTIL INVENTORY IS FILED

A petition for an order for such allowance should not be presented until the inventory of the estate has been made and accepted. If, however, all parties agree as to the amount no hearing need be had.

FORM OF INVENTORY

A form somewhat as follows may be used in making up the inventory of the estate of the deceased:

“To the Court of Probate for the District of  
Estate of . . . . . late of the town of . . . . . in said  
District, deceased:

I hereby certify that the following is a true and complete inventory of all the real and personal property, of which I have any knowledge, belonging to the estate of the above named deceased.”

First, list all the real estate, describing the same with its location, with its appraised value, putting the same in some such way as:

. . . . . Acres of land in the Town of  
County of . . . . . State of Connecticut, commonly known as the . . . . . Farm (or other description . . . . . \$ . . . . .).

If there is a mortgage on the property, state the amount of it and list only the value of the property after deducting the amount of the mortgage. Then list the personal property, describing the same, with the value of each item. If there is a mortgage or other encumbrance on it state the amount thereof, and deduct it from the total amount of the personal property.

Add up the total value of both real and personal property and sign

.....

Executrix.

Sworn to and subscribed by the said executrix, this day of 19...

.....

Judge.

Clerk.

To this should be appended a certificate of the appraiser, which may be in the following form:

#### CERTIFICATE OF APPRAISAL

To the Court of Probate for the District of.....  
Estate of ....., late of the town of ....., deceased.

The undersigned, duly appointed by the court, having been duly sworn, certify that they have appraised all the estate contained in the annexed inventory, and that the values shown therein are, to the best of their knowledge and belief, the true values of said property.

.....

.....

Appraisers.....

#### FORM OF FINAL ACCOUNTING

To the Probate Court for the District of.....  
Estate of ..... late of the town of ..... in said district, deceased.

The subscriber respectfully shows to the court that she is the executrix of the will of said deceased, and that the following contains a true and complete state-

ment of all moneys received and expended by her in her capacity as such executrix; further that all of the claims allowed by her against the estate of the said deceased have been fully paid, satisfied and discharged.

Therefore the following account of receipts and disbursements in connection with said estate is respectfully submitted to the court for allowance thereof:

Executrix in account with Estate of . . . . . deceased.  
 . . . . . Dr. . . . .

To amount of personal property as set forth in inventory \$. . . . (Here set forth all sums received from sales of property, dividends, interest, mortgages, etc., and all sources of revenue, stating each item separately and carrying it out.)

Total . . . . . \$. . . .

Cr. . . . .

(Now set out all expenses and bills paid, such as funeral and last sickness charges, debts owed by deceased and paid, legacies, services as executrix, probate court fees, and all amounts expended, with amounts and dates of payment.)

By balance on hand for distribution \$

Total \$

Subscribed and sworn to as in form for Inventory.

The above form, with necessary changes, may be used for a preliminary report, or for an additional one, if necessary.

#### PROVING OR PROBATING A WILL NOT A DIFFICULT MATTER

While it may seem from the foregoing that the probating of a will is a difficult and complicated process, yet

as a matter of fact it is not so in the majority of cases. It may easily be effected by the widow or other person without the employment of an attorney. But, in the case of a large estate, or where the will is open to doubt in its provisions, the advice of a competent lawyer should be secured.

#### BUSINESS OF THE DECEASED

It is no part of the duty of an executrix or administratrix to carry on the business of the deceased. Any such action without the authority of the Probate Court will make her personally liable. If the business is such that it requires immediate attention, she should consult her lawyer.

#### FUNDS OF ESTATE IN A BANK

An executrix or administratrix should at once open an account with a bank in her name as such executrix or administratrix, and deposit therein all sums received from the estate, and draw therefrom such sums as may be needed for the estate. On no account should she mingle the estate funds with her individual money, but keep them absolutely distinct in separate accounts. This is a most important matter, and the rule should be strictly adhered to.

#### SIGNATURE OF EXECUTRIX OR ADMINISTRATRIX

Where a woman acts as executrix or administratrix, she must in every case sign her name as such, or she may become personally liable. This, of course, is true as to cheques.

## CHAPTER XXI

### LEGACIES, DEVISES AND BEQUESTS

The terms “legacy and bequest” generally imply a gift by will of personal property, while the term “devise” is used in case of a gift of real, and not personal property, though it may be extended to include the latter.

#### LEGACIES

Legacies, devises and bequests, unless otherwise designated in the will, vest at the time the will becomes operative, although the enjoyment of them is postponed until the demands of the creditors are satisfied. Legacies may be divided into two classes, general and special.

#### GENERAL LEGACIES

General legacies are to be paid out of the personal estate, but if that be insufficient the legacy may be charged on such real estate as may be not specifically described and devised, unless otherwise directed in the will. That is to say, on any real estate of the testator that may not be otherwise disposed of by his will.

#### SPECIAL LEGACIES

A special legacy is a gift of something that is specifically mentioned in the will, and must be satisfied from the fund or matter specified in the will. If the fund or



matter fails the specific legacy also fails. It cannot be satisfied from the general estate.

#### WHERE THE PERSONAL PROPERTY IS INSUFFICIENT

If the personal property be found insufficient to pay the legacies, a competent lawyer should be consulted.

#### LEGACIES WHEN PAYABLE

Pecuniary legacies must be paid in cash. If no time of payment is fixed they become payable one year after the death of the testator, and bear interest only from that date.

#### RECEIPT FOR PAYMENT OF LEGACY

When a legacy is paid by mail a receipt should be enclosed to be signed by the donee and returned. In any event a receipt must be taken, as it will form part of the account of the executrix.

#### LEGATEE UNDER GUARDIANSHIP

Should a legatee be under guardianship of any kind, the legacy must be paid to such guardian, and a receipt duly executed by him or her in such capacity.



## CHAPTER XXII

### TAXATION

#### TAXATION OF PROPERTY OF WOMEN

Property belonging to women is taxed in the same manner and to the same extent as property belonging to men.

#### OF PROPERTY OF UNMARRIED WOMEN

The property of an unmarried woman is listed in her name and she must pay the tax, precisely as if she were a man.

#### OF PROPERTY OF MARRIED WOMEN

A married woman may list her taxable property in her own name, or her husband may give the tax assessors written notice that he requests such property to be listed in her name. If neither the husband nor wife take these steps, the property may be listed in either name, at the discretion of the tax assessors.

#### PROPERTY MAY BE SOLD FOR PAYMENT OF TAX

When so listed, the tax levied upon the property will be a lawful tax against the person in whose name the property is set in the list, and the property may be sold for the payment of such tax. There is no Income Tax in Connecticut on the estates of individuals. Since 1921 the payment of a personal tax of two dollars, annually, has been extended to include women between

the ages of 21 and 60. Every woman between those ages must pay such tax before March 1, each year. There are also State, County, School, and other taxes levied by the proper authorities.

#### INHERITANCE, OR SUCCESSION TAX

The State levies an Inheritance or Succession tax to be paid on the receipt or transmission of real property, above the value of Ten Thousand Dollars on the death of owner thereof.

#### GROSS INCOME TAX

There is also a tax of one dollar per thousand laid on the gross income derived from sales of personal property bought for resale in an unincorporated mercantile or manufacturing business.

#### U. S. INCOME AND INHERITANCE TAXES

The United States government also lays Income and Inheritance taxes on amounts in excess of the value of Fifty Thousand Dollars.

Of course the terms and methods of collection and enforcement of these taxes are totally outside the limits of this work.

## CHAPTER XXIII

### INVESTMENTS

While this subject may not come under the head of law, it is one of the highest importance; and if we descant upon it somewhat at length, it is because we realize that it is a vital issue, and one that does not always receive the attention to which it is entitled. Too often people are allured and carried away by the promise of a high rate of interest or a large dividend, and lose sight of the safety of the principal.

#### SECURITY OF THE PRINCIPAL

It cannot be too strongly impressed that the primary and controlling factor should be the safety of the principal. The very first inquiry should be as to the foundation upon which the principal rests. Is it ample? Is it well secured? Has it stood the test of time? Has the interest or dividend always been paid? These and similar questions unless answered in the affirmative make the investment undesirable.

#### SECURITY AND RATE OF INTEREST

Of course it is axiomatic that security and rate of interest are in inverse proportion; or, in other words, the higher the rate of interest offered, the lower the security, as a general rule. Therefore the higher the interest offered the more intense should be the scrutiny.

## NEW PROMOTIONS

Do not invest in new promotions. Confine your purchases to what are called seasoned investments. Do not buy a second mortgage unless you own or control the first one.

## ADVICE OF BROKER OR BANKER

No woman should ever dream of investing any serious amount, or of changing or selling an investment, without the advice of a thoroughly reliable broker or banker.

## DUBIOUS OR FRAUDULENT SCHEMES

As to the swarms of irresponsible, if not worse, agents and solicitors offering shares and bonds and schemes for investment, there is but one answer that a woman should make, and that is: "I never make an investment, except upon the advice of my banker or broker." If the public generally would only carry this into effect, the hundreds of millions of dollars that are annually thrown into reckless or swindling propositions would dwindle into a negligible amount, in comparison with the enormous losses thus entailed every year, which some well informed bankers have estimated as close to a billion dollars a year.

A smoother tongued rascal than the fellow engaged in selling worthless securities does not exist. **BEWARE.**

## SECURITIES TO BE CONSTANTLY INVESTIGATED

Again, any woman whose income depends upon interest derived from mortgages, loans or bonds, or dividends from stock or shares, should periodically submit a list thereof to a responsible broker, as it frequently hap-

pens that an investment at the time it was made was what is called gilt-edged, becomes tarnished and loses a large amount of its value. **KEEP IN TOUCH WITH YOUR SECURITIES ALL THE TIME.**

#### SECURITIES TO BE PROPERLY LISTED IN A BOOK

Every woman with an income dependent wholly or in part on returns from bonds, stock, mortgages and similar investments should keep a fair-sized, well-bound book, with an index, in which she should enter all such investments, with the price paid, date, amount, rate of interest, and when payable. When payments are made they should be entered under the proper heading. Books printed for this purpose may be readily obtained, and will be found very convenient.

#### NEVER BUY ANYTHING ON MARGIN, OR PARTIAL PAYMENTS

Of course, it goes without saying, that no woman (or man for that matter), should ever think for a moment of embarking in that most dangerous of pitfalls, namely, buying stocks or shares on margin, partial payments, or like insidious schemes laid for the unwary. Ninety per cent, or more of such foolish people lose their money, and millions have been ruined by such gambling. Such traps inevitably lead to destruction. Buy your securities for cash, and pay for them in full, if you value your peace of mind. Above all, avoid what are called "tips" about the market as you would a pestilence.

#### PROVINCE OF THE BROKER

We have not deemed it advisable to enter into explanations as to the several classes of investments, nor as to

the difference between bonds, preferred shares in their varied forms, and common stock, as it is usually called; for these and similar matters are the peculiar province of the broker.

#### TO WOMEN OF MODERATE OR SMALL MEANS

Especially, with the utmost deference, we would offer a few suggestions to this large class of women. It is notorious that they are, unhappily too often, the prey of a host of unscrupulous vultures, who under the guise of "Adding to your income," "Improving your financial condition," "Pleasant work at home," and other alluring but specious phrases, succeed in wresting various sums of money from those who can ill afford to lose it. We most earnestly advise, nay, we entreat women to turn a deaf ear to all such suggestions, no matter how plausible or tempting they may appear, for in ninety-nine cases out of a hundred such schemes lead to loss. Do not add your name to the list of victims. For the woman of small means a Savings Bank account will be a constant source of comfort, security and independence.

#### PARTNERSHIP

A woman should on no account enter into partnership with any one without consulting a lawyer, and getting a thorough comprehension of what her duties and liabilities will be.

## CHAPTER XXIV

### CHEQUES

As to the legal aspect of cheques and promissory notes, we have little or nothing to say, but as to the manner in which they should be drawn, a few of the leading principles may not be out of place.

#### WRITING A CHEQUE

First of all, fill out the stub before you write the cheque. In filling out a cheque, be very careful to commence at the extreme left side, filling in the amount in writing, and leaving no space between the words. Such titles as Judge, Colonel, and the like are out of place in a cheque, though Mrs. is allowable and in many cases proper. But the word Trustee, Agent, or the like, should always be used when the payee is such. Draw a heavy line or lines after the last word up to the word "Dollars." In filling in the amount in figures begin close to the dollar sign, making the figures large and distinct. These may seem very small matters, but the neglect of them has been very costly, in many instances. Badly drawn cheques are the especial prey of the expert swindler. Be chary of giving cheques to strangers. It is far from pleasant to find that a cheque you gave for \$5 has been charged in your bank account as \$50 or perhaps \$500. Under no circumstances whatever sign a cheque with the amount left in blank. A properly drawn cheque is very seldom tampered with.



## CHEQUE DRAWN TO BEARER

A cheque drawn to bearer needs no indorsement, and the same is true of a cheque made payable to a certain person by name.

## CHEQUE DRAWN TO ORDER

A cheque drawn to order must be indorsed by the party named in the cheque.

## CASH FOR PERSONAL USE

In drawing a cheque for money for personal use, it is a good plan to draw it to "Cash", when it needs no endorsement, if drawn to "Self" it must be endorsed.

## CHEQUE PAYABLE TO PAYEE ALONE

In some cases it is advisable to draw a cheque which cannot be cashed except by the person to whom it is drawn. If you erase the word "Order" or "Bearer" and make it payable to "Ella Jones", for instance, she alone can draw the money at the bank.

## CHEQUE TO BE PRESENTED PROMPTLY

A cheque is intended for immediate payment, and should be deposited or presented promptly. If from a stranger, present it at once and avoid the risk of loss.

## DEPOSITING CHEQUES IN BANK BY MAIL

If you send cheques to be deposited to your credit in your bank, endorse them, attach to them a written or printed deposit slip and mail them to your bank. It is not necessary to write a letter. If the amount of the cheque be large it is better to endorse the cheque to the cashier of the bank.



IDENTIFICATION OF PAYEE

Remember when you present a cheque for payment at a bank or elsewhere, that unless you are known you will have to be identified, unless the cheque is endorsed by some one whose signature is known by the party to whom the cheque is offered.

PRESERVATION OF CHEQUES

Should you desire to preserve your cheques, or any of them, paste them to the stub of your cheque book.

ORDINARY FORM OF RECEIPT

An ordinary form of receipt may be as follows:

Meriden, Conn.

June 25, 1928

Received from ..... the sum of .....  
dollars in full of all demands to date (or for any goods,  
or in full for account rendered.)

.....

## CHAPTER XXV

### PROMISSORY NOTES

#### DEFINITION OF A PROMISSORY NOTE

Generally speaking a promissory note is a promise in writing signed by the maker to pay a specified amount at a given time to the person therein named, called the payee, to his or her order, or to bearer.

#### FORM OF NOTE

The usual form of a promissory note is somewhat as follows:

“Sixty days after date I promise to pay to John Smith or order three hundred dollars, for value received .....Henry Jones”

Or it may read to bearer, or “On Demand, I promise to pay.” In all these cases the note would be negotiable, but if neither the word order or bearer appear, it is not negotiable. A note to be paid from a special fund is not negotiable. By the term negotiable is meant something which may be transferred or sold or endorsed or delivered.

#### JOINT NOTE

Where a promissory note reads “We.....promise to pay” or words to that effect, it is a joint note and in case of default all the makers must be joined if suit is brought. Each maker is answerable for his or her proportion of the note, and for that proportion only.

## JOINT AND SEVERAL NOTE

But if a promissory note reads "We . . . . . jointly and severally promise to pay" or if the word "several" appears, then on default the holder may sue all the makers, or he may select one or more whom he will sue for the whole amount due, leaving the others to collect their share the best they can.

This explanation is given for the reason that frequently women have signed joint and several notes, under the apprehension that they were liable each of them only for her proportion of the indebtedness, to find out when too late that one or more of them have to pay the whole amount. The safest way is to have the note read "We . . . . . jointly, but not severally, promise to pay" if it is intended that each maker shall be liable for her proportional share only.

## NOTE IN HANDS OF AN INNOCENT PURCHASER

A note drawn to order or to bearer is negotiable, and in the hands of an innocent purchaser is not open to any defence which the maker might have against the original payee.

## GIVING A NOTE DOES NOT EXTINGUISH THE DEBT

The mere giving of a promissory note, in the absence of any special agreement to that effect in writing, does not extinguish the original indebtedness, while the note is in the hands of the payee.

## CARE IN GIVING PROMISSORY NOTE

Do not sign a note without the most careful consideration, and not for any serious amount without the advice of your lawyer. Do not sign a note with any one,

or indorse a note for any one, unless you are prepared and willing to pay the amount of the note yourself. Better pay the amount at once, for that is what it too often comes to.

#### NO TIME OF PAYMENT SPECIFIED

An order for the payment of money which specifies no time of payment is payable immediately, as between the parties.

#### INNOCENT PURCHASER

An innocent, or as it is sometimes termed a bona fide purchaser, is one who has bought property and paid full price for it, without knowledge, real or implied, of any adverse claim.

## CHAPTER XXVI

### INTEREST

#### LEGAL RATE OF INTEREST

The legal rate of interest on money in Connecticut is six (6) per cent per annum; but the parties may stipulate for a rate not exceeding twelve (12) per cent.

#### NOTE NOT TO EXCEED MONEY LOANED

A note may not be made for a sum exceeding the amount loaned, and the expense of making inquiry as to the loan, together with the interest charged must not amount to more than twelve per cent on the amount of the loan.

#### VIOLATION OF RULE

A violation of these provisions, with intent to exact more than twelve per cent interest is punishable under the law.

#### MORTGAGES EXCEEDING FIVE HUNDRED DOLLARS

The foregoing rules do not apply to mortgages in excess of five hundred dollars. When in excess of that amount the parties may stipulate as to the rate of interest to be charged. Neither does the interest rate of six per cent apply to State or National Banks.

#### GENERAL RULES

In computing interest 360 days may be considered as a year.

Where the agreed rate of interest is higher than six per cent, the agreed rate may be computed after default.

Where the agreed rate is less than six per cent, the legal rate of six per cent may be charged after default. The foregoing rules as to interest apply solely to the State of Connecticut. Each State has its own laws upon the subject, which may differ very largely from the above.

## CHAPTER XXVII

### EMPLOYMENT OF WOMEN

#### MANUFACTURING OR MECHANICAL ESTABLISHMENT

No woman may be employed in any manufacturing or mechanical establishment more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the machinery, or where the excess is to make a short day's work for one day of the week. She shall not so labor more than 55 hours in any one week.

#### MERCANTILE ESTABLISHMENTS

She may not work more than ten hours a day in any mercantile establishment, or more than 58 hours in any one week, or more than six days in a week, nor be permitted to work after ten o'clock at night.

#### SEATS FOR EMPLOYEES

Employers must furnish seats for all female employees, and are bound to permit the use of such seats by such women when they are not necessarily engaged in their active duties.

#### HOURS OF WORK RESTRICTED

No female may be employed in any manufacturing, mechanical or mercantile establishment between the hours of ten o'clock in the evening and six o'clock in the forenoon, except in great emergency, such as war.

## RESTRICTIONS AS TO TIME AND HOURS

In any bowling alley, shoe shining, pool or billiard room, café, public restaurant, manicuring or hair dressing establishment, a woman may not be employed after ten o'clock at night, nor more than 58 hours a week. But these restrictions do not apply to women so employed in hotels.



## CHAPTER XXVIII

### EMPLOYMENT OF CHILDREN

#### CHILDREN UNDER AGE OF FOURTEEN

No child under the age of fourteen may be employed in any mechanical, mercantile or manufacturing establishment.

#### CHILDREN UNDER AGE OF SIXTEEN

No child under the age of sixteen may be employed in any mechanical, mercantile or manufacturing establishment, unless the employer of such child obtain a certificate upon a form furnished by the State Board of Education, giving the date of the birth of said child, showing that he or she is over the age of fourteen, is able to read and write with facility, understands the fundamental rules of arithmetic, and does not appear to be physically unfit for such employment.

#### CERTIFICATE, SIGNATURE OF

Said certificate must be signed by the secretary or an agent of the State Board of Education, or by a school supervisor or superintendent, supervising principal or acting school visitor designated by said Board.

#### DANGEROUS AND HAZARDOUS EMPLOYMENT

No child under the age of sixteen may be employed in any dangerous or hazardous work or employment, as set forth in sections 5328 and 5329, Revised Statutes, 1918.

## EMPLOYMENT DURING VACATION

Any child between the ages of 14 and 16, in good physical condition, on application in person to the secretary or an agent of the State Board of Education, may be given a temporary or vacation certificate permitting employment of such child during the summer vacation.

## EMPLOYMENT DURING SCHOOL SESSION

No child under 14 years of age may be employed during the hours while the school which such child should attend is in session.

## HOURS OF EMPLOYMENT

No person under 16 years of age may be employed in any manufacturing or mechanical establishment after 6 o'clock in the afternoon, and no such person shall be employed in any mercantile establishment after 6 o'clock in the afternoon, or more than one day in each calendar week except from December 17th to December 25 of each year, and no female over 16 years of age shall be employed in such establishment after 10 o'clock in the evening. In a case of great emergency, such as war, an exception may be made.

## EMPLOYMENT OF MINORS IN CERTAIN ESTABLISHMENTS

A minor between 14 and 16 years of age who is attending school, may not be employed in any bowling alley, shoe shining establishment, pool or billiard room, after six o'clock in the afternoon of any day immediately preceding a day when school is in session, nor shall such minor work after 10 o'clock at night in any such establishment at any time.

## EMPLOYMENT IN PUBLIC RESTAURANTS, ETC.

No minor under 16 years old may be employed in any public restaurant, café, dining room, barber shop, hair dressing or manicuring establishment or photograph gallery between 10 o'clock at night and six o'clock in the morning, or more than six days or 58 hours in one week. But this does not apply to hotels.

## OVERWORKING OR ENDANGERING CHILDREN

The law provides punishment for any person who wilfully overworks or endangers the health or morals of a child.

## CHAPTER XXIX

### WHAT OFFICES MAY BE HELD BY WOMEN

#### THE POSITIONS A WOMAN MAY HOLD

It would seem that after the passage of the equal franchise act, a woman may hold any office in the State of Connecticut.

#### WOMEN AS JURORS

The statute of Connecticut with reference to the qualification of jurors, is as follows:

“All jurors shall be elected not less than twenty-five years of age, esteemed in their community as men of good character, approved integrity and fair education.”

It is evident that the use of the word “men”, instead of “persons”, disqualifies women from acting as jurors.

## CHAPTER XXX

### NATURALIZATION

#### RULE BEFORE SEPTEMBER 22, 1922

Prior to September 22nd, 1922, a woman who was married to a man who at the time of the marriage or prior thereto was a naturalized citizen of the United States, by reason of her marriage to such person became herself a naturalized citizen of the United States. On September 22nd, 1922, Congress enacted certain laws in reference to naturalization, in substance as follows:

1. The right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex, or because she is a married woman.

2. Any woman who marries a citizen of the United States after the passage of this act, September 22, 1922, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization, but if eligible to citizenship she may be naturalized upon full and complete compliance with all the requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) In lieu of the five years period of residence in the United States and one year period of residence

within the State she shall have resided continuously in the United States for at least one year immediately preceding the filing of the petition.

3. A woman citizen of the United States shall not cease to be a citizen thereof by reason of her marriage after the passage of this act, unless she make a formal renunciation of her citizenship before a court having jurisdiction over the naturalization of aliens; provided that any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States.

4. A woman who before the passage of this act has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by Section 2 of this act.

5. No woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the married status.

#### JURISDICTION OF COURTS AS TO NATURALIZATION

The Superior Court in every county in Connecticut has jurisdiction over naturalization, but in the counties of Hartford and New Haven the United States District Court alone possesses naturalization power. The United States District Court has original jurisdiction over all naturalization matters.

## CHAPTER XXXI

### POWER OF ATTORNEY; AGENTS

#### DEFINITION OF POWER OF ATTORNEY

A power of attorney is either general or special. The latter limits the authority of the party to whom it is given to act in a certain matter or matters specified in the power. The former gives authority to the party to whom it is given to act in any matter appertaining to the giver of the power, to act for him or her in the same way and with the same effect as if the person giving the power were present and were doing the act himself.

#### POWER NOT TO BE DELEGATED

One holding a power of attorney cannot substitute another in his or her place, nor delegate the power to another, unless authority to do so is expressly contained in the power itself, or in some written paper distinctly referring to the original power of attorney.

#### REVOCATION OF POWER

A power of attorney may be revoked at any time by giving notice in writing, unless the original power is by its terms stated to be irrevocable.

#### CAUTION TO BE EXERCISED

The utmost caution should be exercised in giving a power of attorney; and generally speaking, it should

not be given without consulting a lawyer. Never give a general power of attorney without such consultation.

#### AGENTS

An agent is one who carries on business or acts for another who is called the principal. Agents are general or special, depending upon whether they are appointed to carry on the business of the principal generally, or only a specified part of the same.

#### APPOINTMENT OF AGENT

An agent may be appointed by word of mouth, or in writing, but a power to sell should always be by written authority.

#### REVOCATION OF AGENCY

An agency may be revoked by the principal at any time unless the agent has paid for, or has an interest in the subject-matter of the agency, in which case it cannot be revoked, except at the peril of the principal.

#### DISCRETION OF AGENT

Generally speaking a general agent is expected to exercise his or her own discretion in the performance of the duties of the agency; but a special agent is confined strictly to the limits of the agency, and may not enlarge or exceed the terms thereof, except at the peril of personal liability.

#### WRITTEN AUTHORITY

It is unsafe for a woman to act as agent in matters of any importance without clear and explicit written authority.



## CHAPTER XXXII

### FORMATION OF A CLUB OR SOCIETY

#### CLUB MAY BE FORMED WITHOUT INCORPORATION

Any number of women may form a club or society for literary or social intercourse, the promotion of welfare among others or for purposes of a philanthropic or other nature, without such body being incorporated.

#### METHOD OF FORMATION

The first step is the calling of a meeting of those interested. It is highly important that proper formalities should be observed at the outset, in place of desultory, aimless proceedings, with consequent loss of time.

#### SELECTION OF CHAIRMAN AND SECRETARY

The first thing to be done is the selection of a temporary chairman. Someone should propose one of the members to act as such, in some such words as "I propose and move that A. B. act as chairman of this meeting." If the motion is seconded and no opposition appears, the nomination may be made by a vote of Aye. Should other nominations be made, the selection is usually made by ballot. The chairman then states that the nomination of a secretary is in order, and the election is proceeded with in like manner.

#### OBJECT OF THE MEETING

The chairman then sets forth briefly the object of the meeting, and states that she will ask for the opinion of

the members as to how the club shall be formed, whether dues shall be exacted, what the name of the club or society shall be, and other matters of like import. She will then select one of the subjects and request the members to state their views upon it. If more than one member rises, she will recognize one of them by name, who will then state her views, and the subject will be pursued until all who desire to speak have been heard. Someone will then make a motion, such as, "I move that a club or society be formed, and that the name thereof be . . . . .," and after suggestions have been made by others, a vote is taken and recorded by the secretary, who during this time will have made notes of the proceedings. Other matters will then be taken up and disposed of in like manner.

#### CONSTITUTION AND BY-LAWS

The chairman then states that a committee should be appointed to formulate and draw a constitution and by-laws, and asks how such committee shall be appointed, whether by the chair or by the members, and the question being decided by a vote either oral or by ballot, a committee is accordingly appointed, generally consisting of three members.

#### MOTION TO ADJOURN

Further business is then transacted as may appear, and a motion to adjourn will then be in order, the time and place for the next meeting being stated.

#### CONSTITUTION, FORM OF

The following is suggested as a form of the constitution, being varied according to the circumstances of the case.

## NAME

Article 1. The name of this Club or Society shall be .....

## WHO MAY BE MEMBERS

Article 2. The number of members shall be unrestricted (or otherwise), and any woman over the age of sixteen, whether a resident of the (city, town or village) or not, may be a candidate for election.

## INTENT AND OBJECT

Article 3. The object of this Society is and shall be (stating the same fully).

## OFFICERS

Article 4. The officers shall be a President, a Vice-President, a Secretary and a Treasurer. (If no dues are to be paid, there need be no Treasurer) and they shall be elected at each annual meeting for a term of one year.

## EXECUTIVE MEETINGS

Article 5. Executive meetings for the transaction of the business of the Society, by its members, shall be held once a month.

## ANNUAL MEETINGS

Article 6. The annual business meeting shall be held on the first (Tuesday) in (April) of every year, notice thereof shall be given by the Secretary in writing to each member. No one but members shall be present at such meetings and (seven) members shall constitute a quorum.

## REGULAR MEETINGS

Article 7. The regular meetings of the club shall be held every (Tuesday) of each week during the year, except during the months of (July and August) at        o'clock in the afternoon.

## SPECIAL MEETINGS

Article 8. A special meeting may be called upon the written application of (five) members, not less than (ten) days before such special meeting is to be called.

## MEMBERSHIP

Article 9. Any member may present, in writing, at any regular meeting the name of any woman desiring to become a member (the name shall be posted on the bulletin board or announcement made in any other manner). No action shall be taken thereon until the next regular meeting when the vote shall be taken. If (three) negative votes be cast, the application must be denied.

## FEES

Article 10. A fee of . . . . . Dollars shall be paid by each member at the time of her election and annually thereafter on the day fixed for such payments. Non-payment of such in any amount after it becomes due shall automatically cause a suspension of the member, and if not paid within two months her membership shall be terminated.

## BY-LAWS

## PRESIDENT

Article 1. The President shall preside at all meetings, shall review the activity of the Society at the annual meeting, and perform the usual duties of the office. In her absence these matters shall devolve upon the Vice-President or upon the Secretary in the absence of the latter.

## SECRETARY

Article 2. The Secretary shall keep a record of all meetings, answer letters concerning the club and be the custodian of all papers belonging to the same. She shall notify members of their election, send out notices of fees or assessments due, keep a list of the members with their addresses and make a written report of their activities, at the annual meetings. If deemed advisable many of these duties may be performed by an assistant, with the exception of the annual report.

## TREASURER

Article 3. The Treasurer shall collect, care and account for all dues and moneys belonging to the club, draw and sign all cheques as authorized, and render her report at the annual meeting.

## ELECTIONS

Article 4. At the annual meeting there shall be an election of officers for the ensuing year. The elec-

tion shall be by ballot if there be more than one nominee for any office. Otherwise, it may be by a call of Ayes and Noes.

#### TERM OF OFFICE

Article 5. The term of office of the President, Vice-President, Secretary and Treasurer shall expire at the annual meeting, or as soon as their successors have been elected, unless such officers or any of them be re-elected at that time.

#### MEMBERS

Article 6. The payment of the annual fee and the entry of the name on the books by the Secretary shall be proof of membership. (Or tickets may be issued.) Provision may be made for non-resident and honorary members.

#### RESIGNATION

Article 7. Any member who desires to withdraw from the club must notify the secretary thereof in writing.

#### VISITORS

Article 8. Any member may bring a visitor for one meeting, but the same visitor may not attend another meeting within six months, except by permission of the president or vice-president.

#### AMENDMENTS

Article 9. The constitution or by-laws may be amended by a two-thirds vote of the members present. Notice of such proposed change must be put in writing, and posted in the club room,

and attention called to the same at two successive regular meetings previous to the one at which it is to be called up for action thereon.

#### ADOPTION OF THE CONSTITUTION AND BY-LAWS

A meeting should be called for this purpose, and due notice given to the members. Each article of the constitution should be read by the president, and each one should be agreed to by vote in its present or amended form. If it be desired to add other articles they should be presented to the president in writing, with the proper formalities, and each one voted upon separately. The same procedure should be followed with the by-laws. Finally, the constitution and by-laws should be formally accepted by vote as a whole, and the formation of the club is then completed.

#### RULES OF PARLIAMENTARY LAW TO BE OBSERVED

As before stated, it will be found highly desirable, even at the regular meetings, to preserve the general rules of parliamentary law, and to carry on the business decently and in order, and thus avoid confusion, annoyance and waste of time. Of course it would be impossible within the limits of this book to give anything more than a mere outline of the procedure, but possibly a few suggestions may not be out of place.

#### NOMINATIONS OF OFFICERS

In selecting temporary or general officers, a member will rise and say, "Mrs. Chairman, I desire to nominate ..... for ....." It not being necessary that the nomination be seconded, the chairman will rise and say "..... is nominated for ..... Are



there any other nominations to be made?" Should there be no other names presented, she will say "Those in favor of ..... as ..... will say Aye," and after a response of Aye she will say "Those opposed will say No." If there are more Noes than Ayes a new nomination must be made. If other nominations are made the chairman will ask whether all the names shall be received and a ballot taken, or whether the first nominee in order who receives more Ayes than Noes shall be elected. The latter plan is better in the case of temporary officers, but the election of permanent officers should be by ballot. This is the simplest and least formal mode of election, and when the club is limited in numbers may be used to advantage. But where the club is of any size and the business transacted is of importance, more formality is usually observed, and the employment of tellers with a ballot, and sometimes a nominating committee is resorted to.

#### MOTIONS

The usual form in making a motion is for the member to rise and say "Mrs. Chairman", then when she is recognized by the chair, "I move (stating the object of the motion). If the matter is of importance or somewhat lengthy, the motion should be put in writing and read therefrom. The chairman then rises and states or reads from the motion. Debate upon the motion is then in order. After debate the chairman says "Are you ready for the question? Those in favor of the motion will say Aye, contrary, No." Or a ballot may be taken and the motion declared by the chair to be carried or lost.



## ADDRESSING THE CHAIR

A member always rises to address the chair, and then the chairman rises and recognizes the member by name. Should more than one member rise at the same time the one recognized by the chairman will have the floor, as it is termed.

## CHAIR ADDRESSING THE MEETING

The chairman always rises when she addresses the meeting or a member, but sits when a member is speaking.

## ADJOURNMENT

A motion to adjourn is not debatable, but must be acted upon at once. It cannot be made when a member or the chair is speaking.

## VOTING

A vote may be had by calling for the Ayes and Noes, by a rising vote, by a show of hands, or by ballot.

## TIE VOTE

A tie vote defeats a motion. In case of a tie vote the chairman may vote and thus decide the question one way or the other. The chairman may vote to make a tie and thus defeat the motion. She has a right to vote, but the usual practice is for her not to exercise it, except in case of a tie vote. Having once voted she cannot vote again to make or break a tie.

## COMMITTEES

When a committee is appointed to consider certain designated matters, or to perform certain acts, it should not depart from or exceed its instructions. Its powers are limited to the object for which it was appointed.

A chairman and a secretary should be elected by the members.

#### REPORT OF COMMITTEE

It should report its findings in writing. When such report is presented and read and accepted by a vote, with or without discussion, the committee is automatically discharged.

#### MINORITY REPORT

In like manner a minority report may be prepared and read. It may by motion be substituted for the majority report.

#### ORDER OF BUSINESS

This may be varied, but it is better to adopt some form and abide by it in practice. It may be somewhat as follows:

Call to Order

Reading and adoption of minutes of last meeting. (This may be dispensed with by acclamation.)

Unfinished business

Announcements

Reports of Committees

New business

Usual routine business

Adjournment

#### LIABILITIES OF THE CLUB

Such a club cannot own real estate in its own name, but if it be desired to do so, the title must be in a Trustee or Trustees, duly elected by the club at a regular meeting, or one called for that purpose. The

club may sue and be used as such, but the property of the individual members cannot be attached, unless they have made themselves liable by word or deed, except under certain conditions.

#### INCORPORATED CLUB

Should it be desired to found an incorporated club, under the statutes of Connecticut, an experienced lawyer should be employed to draft the necessary papers.



## GLOSSARY

**ADMINISTRATOR, ADMINISTRATRIX.** See page 85.

**AFFIDAVIT.** An oath in writing, sworn to by the party making it, who is called the affiant, and attested by one who has authority to administer an oath.

**AMORTIZATION.** Where a certain amount of money greater than the interest and charges accruing, is set aside yearly or otherwise, to be applied upon the principal indebtedness until the latter is extinguished or reduced to an amount agreed upon.

**ANCILLARY ADMINISTRATION.** Refers to such part of the estate of a decedent as may be outside of the State.

**ANNUITY.** The payment of a certain amount of money each year to a party called an annuitant. Generally, by voluntary payment, by virtue of a will, or by the payment of a gross sum to an insurance company.

**APPELLANT.** A party taking an appeal from a lower to a higher court.

**APPELLEE.** The party against whom an appeal is taken. Sometimes called a respondent.

**ASSIGN, ASSIGNEE.** One to whom property has been transferred. In the plural the term heirs and assigns is frequently used.

**ATTACHMENT.** The taking of a defendant's property, generally on the grounds of fraud, fear of absconding or the like. In Connecticut attachment is permitted in advance of the trial of the case, to secure payment of a judgment if recovered.

**ATTEST.** To witness the execution of an instrument and to subscribe the same.

**ATTESTED COPY.** Of a document is one that has been com-

pared with the original and certified as to its correctness by one who has authority so to do.

**BAR.** That which puts an end to a matter or to further litigation, such as a bar to marriage or dower, or a final decree.  
**BONA FIDE.** In good faith. A bona fide purchaser is one who buys without notice or knowledge that another has an adverse claim to or an adverse interest in the property sold.

**BOND.** Where a bond is demanded or required it may be given by one or more individuals, or by some bonding or indemnity company, but subject to the approval of the court.

**CESTUI QUE TRUST.** One entitled to rents or profits from property in the hands of a trustee, a beneficiary.

**CHATTEL.** Any tangible property, except real estate, is comprehended under this term. The usual expression is goods and chattels.

**CHOSE IN ACTION.** The right of bringing an action, also the thing on which an action may be brought, such as a debt.

**CITATION.** A summons to appear issued by a court.

**CODICIL.** See page 71.

**COMMISSIONER.** An officer appointed by the court to make report to it upon a certain matter.

**COMMON LAW.** The law as administered in England, much of which is recognized in the United States as the organic law.

**CONSERVATOR.** See page 35.

**CONVEYANCE.** A written instrument by which property is transferred.

**CORPUS.** The body. Frequently used to designate the body or the capital of an estate.

**C. T. A.** With the will annexed. (Latin.)

**DAY.** The interval between one day and the succeeding one. When an act is to be performed by a certain day the first day is to be excluded. Thus, an act to be performed within three days from a Monday would have to be concluded by Thursday.

**DECEDENT.** A deceased person.

**DEED.** A written agreement, generally under seal, by which property is conveyed, or a trust is imposed. See warranty deed, and quitclaim deed.

**DEVISE.** To give or transmit property, usually real estate in a will to one who is called the devisee.

**DOMICILE.** A home, or fixed place of residence, where the person or family permanently resides. See Residence.

**DONOR.** A person conferring a gift to another who is called the donee.

**DOWER.** The portion which the law allows a widow for her life out of her deceased husband's real estate.

**EASEMENT.** A privilege which one may enjoy in the property of another without payment. For instance, a right of way, flowage of water, use of an alley, etc.

**ENDORSER.** See Indorser.

**EQUITY.** The interest which remains after property has been sold to satisfy a lien. Or, the difference between the supposed value of the property and the incumbrances thereon. For instance if a piece of property is valued at eight thousand dollars and there is a mortgage of five thousand dollars on it, there would be what is called an equity of three thousand dollars in the property.

**ESCROW.** When a deed or other executed instrument is placed in the hands of a third party, not to be delivered to the grantee until a certain condition, such as a payment, is carried out, the instrument is said to be in escrow.

**EXECUTOR, EXECUTRIX.** See page 85.

**EXHIBIT.** A paper, document or article produced in court or at a hearing, as proof on a hearing or trial, which if accepted, becomes a part of the record.

**EX PARTE.** A step in a judicial proceeding taken by one of the parties without notice to, or appearance by the other side.

**FEE SIMPLE.** The highest title to an estate. Absolute possession in the hands of the owner, his heirs and assigns forever, with full power of alienation.

**FEME COVERT.** A married woman.

**FEME SOLE.** A single woman, or a widow, or one who has been divorced or separated from her husband.

**FIDUCIARY.** One who occupies a position of trust. Generally speaking, a trustee.

**FORECLOSURE.** Generally applied to proceedings to insist upon the terms of a mortgage, and to deprive the mortgagor of his right in the property mortgaged.

**FOREIGN.** Out of the State. Such as a foreign will, debt, mortgage, or other instrument. A foreign court, etc.

**GARNISHMENT.** A proceeding to obtain property of a debtor which is claimed to be in the hands of a third party who is called the garnishee.

**GARNISH, GARNISHEE.** To serve a process of garnishment.

**GRANTOR.** One who makes a grant to another who is called the grantee.

**GUARDIAN.** See page 31.

**HEIR.** One who inherits property.

**HEIR AT LAW.** One who after the death of the owner of property has the right of possession. Husband and wife are not heirs at law of each other.

**HEREDITAMENTS.** Any property, real or personal, that may descend to an heir.



**INCOMPETENT.** An incompetent person, generally speaking, is one who is incapable of managing his own affairs properly.

**INDORSER.** One who writes his name on the back of a note, cheque, or other instrument of indebtedness, and thereby (unless the indorsement is limited), becomes liable with the maker. Also written endorser.

**INSOLVENT.** Speaking broadly, one who is unable to pay his debts.

**INTESTATE.** A person who dies without leaving a will.

**ISSUE.** As a general rule, this term includes all descendants, but in a will may be restricted to children, or to living descendants.

**JOINT AND SEVERAL.** Applied to a promissory note or to a bond, so drawn that all the makers may be sued singly, or in a body. (See Notes and Cheques.)

**JURISDICTION.** The authority exercised by a judge, or by one who has power of hearing and determining controversies legal or criminal.

**L. S. LOCUS SIGILLI.** (Latin.) The place of the seal. Appended to deeds and other legal documents in place of a scroll or seal.

**LEGACY.** Money or other property left by a will. The recipient is called a legatee.

**LIEN.** The right to hold possession of a thing until a charge upon it is satisfied. For instance, a watchmaker has a lien upon a watch which he has repaired. (See Mechanic's Lien.)

**LIFE ESTATE.** Can not be alienated by the holder, or devised by will.

**MECHANIC'S LIEN.** A lien given in favor of persons who have done work or supplied material or in the performance of

similar work for the erection of a building. It attaches to the land, and has certain priority of right.

MONTH. Where the term month is used it means a calendar month.

MORTGAGOR. One who gives a mortgage to another called the mortgagee.

NEXT OF KIN. The heirs at law are next of kin.

PER CAPITA. By the heads. Share and share alike in division of property.

PER STIRPES. By roots. By families. (See under Wills.)

PERPETUITIES. For rule as to, see Wills.

PRINCIPAL AND SURETY. The principal is primarily liable, but if he fails in his liability the surety must make it good.

PROPONENT. A party who offers a will for probate.

QUITCLAIM DEED. A deed which is intended to pass whatever title the maker may have in the property therein described, but without warranty of title.

REMAINDERMAN. One who is entitled to the remainder or residue of an estate, or of property, after all claims against it have been satisfied, or after a particular time has elapsed, or upon the death of a certain person or persons, or when some specified act has been performed.

REPLEVIN. An action to recover possession of goods or chattels which are claimed to have been wrongfully taken or withheld.

RESIDENCE. The living in a certain place for some length of time, though it may be merely transient. The difference between residence and domicile is frequently a matter of legal dispute.

RESIDUE, RESIDUARY ESTATE. What is left of an estate after all debts, legacies and charges have been settled.

**RESPONDENT.** The party against whom an appeal is taken, sometimes called the appellee. A defendant in a divorce suit.

**STATUTE OF FRAUDS.** A statute providing that certain classes of contracts shall not be valid unless a written memorandum of them is made.

**STATUTE OF LIMITATIONS.** A statute prescribing a limit of time within which certain actions must be brought, and certain acts performed.

**SURROGATE.** The name given in some States to an official clothed with the powers of a Judge of Probate, sometimes with more power than a Judge of Probate in Connecticut.

**TESTATE.** One who dies leaving a will.

**WARRANTY, WARRANTEE DEED.** An instrument in writing under seal, which contains a covenant that the grantor and heirs will warrant and defend the title and possession of the property described in the deed.



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